

## **Standing Committee on Copyright and Related Rights**

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UPDATED STUDY AND ADDITIONAL ANALYSIS OF STUDY ON COPYRIGHT LIMITATIONS  
AND EXCEPTIONS FOR EDUCATIONAL ACTIVITIES

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## Updated Study and Additional Analysis

### 1. Introduction

After the conclusion of the November 2016 study, WIPO member states requested that the existing study be extended to examine some additional issues to enhance our understanding of the operation of copyright limitations and exceptions as applied to educational institutions. These issues include:

- the application of limitations and exceptions to enable the use of adaptations and translations for educational activities, beyond the provisions of the Berne Appendix;
- the scope of provisions that restrict or limit the copyright liability of educational institutions;
- the application of provisions that limit the scope of contracts that seek to override the copyright limitations and exceptions for educational activities;
- the scope of digital copying and digital dissemination within the framework of the Berne Appendix; and
- the analysis of provisions on flexibilities, limitations and exceptions to TPM/RMI for educational activities, with a focus on the member states' memberships in the WIPO Copyright Treaty ('WCT') and the WIPO Performances and Phonograms Treaty ('WPPT').

While some of these issues were addressed in the earlier study (for instance, the earlier study captured the limitations and exceptions that allow for the use of adaptations and translations for educational activities within the context of the Berne Appendix, and also addressed some of the provisions that limit the liability of educational institutions and the scope of contracts within specific educational activities), this study update will take advantage of this opportunity to broaden the review and sharpen the analysis of the aforesaid issues. To this end, this updated study is based on a de novo review of the national copyright legislation of all 191 WIPO member states, based on the latest versions of their legislation available on the WIPOLex website. Considering that a number of WIPO member states have also updated their national legislation since the earlier study, this updated study has proved to be necessary and timely. The analysis that arises from this study follows.

WIPO member states have also requested that the study incorporate the Bangui Agreement, which is a regional intellectual property agreement among Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal, and Togo. In addition, WIPO member states have also asked that the study reflect the ratification/accession status of the WCT and the WPPT for each member state.

The individual member state annexures have also been updated to reflect the Bangui Agreement and the ratification/accession status of WIPO member states to the Berne Convention, the WCT and the WPPT.

This study attempts to capture the copyright legislation of WIPO member states as of August 2017.

### 2. Adaptations and Translations

In the earlier study, an analysis of the provisions for adaptations and translations was done in relation to the provisions for licensing that concern the Berne Appendix. The request was made to broaden the analysis to those beyond the Berne Appendix.

This new study found that the limitations and exceptions enabling adaptations and translations for educational activities operate in principally three ways, through the use of three different formulations of the limitations and exceptions: the "adaptation or translation" formulation, the "source work" formulation and the "use" formulation.

Limitations and Exceptions	No. of "adaptation or translation" formulation Provisions (No. of member states)	No. of "source work" formulation Provisions (No. of member states)	No. of "use" formulation Provisions (No. of member states)
Private/Personal Use	42 (40)	29 (24)	44 (42)
Quotations	24 (21)	34 (30)	23 (21)
Reproduction	36 (23)	33 (18)	68 (58)
Publications	9 (8)	24 (22)	42 (37)
Performances	6 (5)	11 (9)	28 (26)
Broadcasts, Communications and Recordings	11 (6)	22 (14)	78 (63)
<b>Total</b>	<b>128 (66)</b>	<b>153 (33)</b>	<b>283 (96)</b>

*Table 1: Summary of Adaptation and Translation Provisions, Source Work Provisions and Educational "Use" Provisions in Copyright Legislation of WIPO Member States*

First, the provisions could, as part of their scope, enable the adaptation or translation of the work, in addition to the excepted activity such as reproduction or communication of the work ("adaptation or translation" formulation).<sup>1</sup> This study has found 128 provisions (66 member states) that adopt this formulation. Most of these provisions are provisions that enable the private use of works (42 provisions, 40 member states), the reproduction of works for educational purposes (36 provisions, 23 member states) and the use of the works for quotations (24 provisions, 21 member states).

The following examples illustrate this. For instance, Article 71M of Chile's Law on Intellectual Property provides that:

It shall be lawful, without remunerating or seeking the authorization of the author, to reproduce and *translate* for educational purposes, within the framework of formal education or with the consent of the Ministry of Education, small fragments of works or isolated works of a three-dimensional, photographic or figurative nature, excluding school textbooks and university manuals, where such acts are performed solely to illustrate educational activities, insofar as this is warranted and is not for profit, provided that the works in question have already been disclosed and include the name of the author and the source, except in cases where this is impossible. [emphasis added]<sup>2</sup>

Similarly, section 12 of the Copyright and Neighbouring Rights Act, 1999 of the United Republic of Tanzania provides that:

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

<sup>1</sup> These provisions were captured in the earlier study but were not reviewed as such as this fell outside the mandate of the earlier study.

<sup>2</sup> Chile Law No. 17.336 on Intellectual Property, as revised by Law No. 20.435 (Apr. 23, 2010), Art. 71M.

(a) the production, *translation, adaptation, arrangement or other transformation* of such work exclusively for the user's own personal and private use [shall be permissible]<sup>3</sup> provided that such reproduction does not conflict with normal exploitation of the work and does not unreasonably prejudice the legitimate interest of the author; [emphasis added]<sup>4</sup>

Another common implementation of the "adaptation or translation" formulation adopted by a number of member states is to tag activities such as adaptations, translations and transformations onto the existing limitations and exceptions. A good example of this can be found in the Japanese Copyright Act:

(Exploitation by means of translation, adaptation, etc.)

Article 43.

The exploitation of works permitted under the provisions mentioned below shall include that made by the following means:

(i) Article 30, paragraph (1) [reproduction for private use] or Article 33, paragraph (1) (including the case where its application *mutatis mutandis* is provided for under the provision of paragraph (4) of the same Article) [reproduction in school textbooks], Article 34, paragraph (1) [broadcasting in school education programs] or Article 35 [reproduction in schools and other educational institutions]: translation, musical arrangement, transformation, and adaptation;

(ii) Article 31, paragraph (1), item (i) on the second sentence of paragraph(3), Article 32 [quotations] or 36 [reproduction etc. in examination questions], Article 37, paragraph (1) or (2), Article 39, paragraph (1), Article 40, paragraph (2), or Article 41 or 42: translation;

(iii) Article 33bis, paragraph (1): transformation, and adaptation;

(iv) Article 37, paragraph (3): translation, transformation, and adaptation;

(v) Article 37bis: translation, and adaptation.<sup>5</sup>

A similar example can be found in section 106 of the Copyright and Related Rights Act, 2000 (No. 28 of 2000) (as amended up to the Copyright and Related Rights (Amendment) Act 2007 (S.I. No. 39 of 2007)) of Ireland:

Adaptation of a work

106. It is not an infringement of the copyright in a work to make an adaptation of the work by any act which may otherwise be done without infringing the copyright in a work under this Chapter.

Second, the provisions could also enable the reproduction or use of, or other excepted activity with, the original source work, in addition to enabling the excepted activity with the translated work ("source work" formulation). A total of 153 such provisions (33 member states) were found in this study. What this entails is that the limitations and exceptions operate to absolve the beneficiary of copyright liability in an action from not only the translator of the work, but also the original author whose work has been translated. Not unexpectedly, this formulation is most widely found in the provisions that enable quotations (34 provisions, 30 member states), but this formulation has also been adopted for limitations and exceptions that enable research and educational reproductions (33 provisions, 18 member states) and private and personal use (29 provisions, 24 member states).

The following examples illustrate this. For instance, section 40 of the Australian Copyright Act provides that:

Fair dealing for purpose of research or study

(1) A fair dealing with a literary, dramatic, musical or artistic work, or with *an adaptation of a literary, dramatic or musical work*, for the purpose of research or study does not constitute an infringement of the copyright in the work.<sup>6</sup> [emphasis added]

<sup>3</sup> United Republic of Tanzania Copyright and Neighbouring Rights Act, 1999, s. 12(1).

<sup>4</sup> United Republic of Tanzania Copyright and Neighbouring Rights Act, 1999, s. 12(2)(a).

<sup>5</sup> Japan Copyright Act (Act No. 48 of May 6, 1970, as last amended by Act No. 65 of December 3, 2010), Art. 43.

The Copyright Order 1989 from Lesotho illustrates a similar approach, wherein the limitation or exception enables an adaptation of the source work, which could itself be an adapted work:

Free use

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;

... [emphasis added]<sup>7</sup>

The "adaptation or translation" formulation may be used in conjunction with the "source work" formulation, to broaden the scope of the limitation or exception. For instance, notwithstanding the use of the "adaptation or translation" formulation in section 12(2) of the Copyright and Neighbouring Rights Act, 1999 of the United Republic of Tanzania, section 12(1) reads:

12.-(1) Notwithstanding provisions of section 1, 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.

In other words, by section 12, it is permissible to translate, adapt, arrange or transform a work for a user's own personal and private use, and this scope of permissible private and personal use extends not only to the protected work in its translated version, but also to the original protected work.

Thirdly, the "adaptation or translation" formulation and the "source work" formulation should be contrasted with the provisions that enable "use" of the work. The "use" formulation is drawn from the language of Art. 10(2) of the Berne Convention, which reads:

Article 10. Certain Free Uses of Works:

2. Illustrations for teaching;

(2) It shall be a matter for legislation in the countries of the Union, and for special agreements existing or to be concluded between them, to permit the *utilization*, to the extent justified by the purpose, of literary or artistic works by way of illustration in publications, broadcasts or sound or visual recordings for teaching, provided such utilization is compatible with fair practice. [emphasis added]

At first sight, it may seem that both the "adaptation or translation" formulation, which creates an exception to the right of adaptation/translation, and the "source work" formulation, which relieves the exception beneficiary from securing prior consent from the author of the original work, are not encompassed within the "use" formulation. However, a careful reading of the *travaux préparatoires* of the Berne Convention (Stockholm Act), where the current language of Art. 10 originates, leads

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<sup>6</sup> Australia Copyright Act Copyright Act 1968 (consolidated as of June 27, 2015), s 40(1).

<sup>7</sup> Lesotho Copyright Order 1989 (Order No.13 of 1989), s 9(a).

one to the conclusion that the delegates accepted that the "use" formulation in Art. 10(2) of the Berne Convention has to apply to create an exception to the right of adaptation/translation, provided the conditions for the original exception are met<sup>8</sup> - the "adaptation or translation" formulation. While there was some dissent, the delegates also accepted that the Art. 10(2) as formulated is wide enough to encompass use of a work not only in its original version but also in translation<sup>9</sup> - the "source work" formulation. As many of the delegates at the Stockholm Conference observed, in relation to Art. 10(2), the utility behind a "use" formulation will be largely lost if the limitation or exception is limited to the translated work, and permission is still required from the author of the original work.<sup>10</sup> In other words, the effect of the deliberations from the Stockholm Conference is that the current "use" formulation is a fusion of the "adaptation or translation" formulation *and* the "source work" formulation.

Therefore, a careful examination of the "use" formulation is required. As illustrated in Table 1, the "use" formulation in provisions predominates, particularly in relation to research and educational reproductions (69 provisions, 59 member states) and educational broadcasts and communications (77 provisions, 62 member states). This is unsurprising, because this formulation is directly derived from the language of Art. 10(2). Many member states closely follow this formulation in their laws. For instance, section 15(4) of the Copyright and Neighbouring Rights Protection Act, 1994 (Act No. 6 of 1994) of Namibia reads:

- (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. [emphasis added for elements drawn from Art. 10(2)]

Other member states adapt the Art. 10(2) "use" formulation in their provisions. For instance, Article 71Q of Chile's Law on Intellectual Property follows the "use of a protected work" formulation, but qualifies it with the expression "incidental or exceptional":

The *incidental or exceptional use* of a protected work, shall be permitted for purposes of criticism, commentary, caricature, teaching, academic or research interest, provided that such use does not constitute disguised use of the protected work. The exception laid down in this Article shall not apply to audiovisual works of a documentary nature. [emphasis added]<sup>11</sup>

Some member states have taken this approach one step further, by combining the "source work" formulation with the "use" formulation. For instance, Art. 27 of the Act No. 83 of February 4, 1994, on Copyright and Neighboring Rights (as amended up to the Act of July, 19, 2016) of Poland reads:

Research and educational institutions shall be allowed, for teaching purposes or in order to conduct their own research, to *use disseminated works in original and in translation*, and to make copies of fragments of the disseminated work. [emphasis added]

A similar approach which combines the "adaptation or translation" formulation, the "source work" formulation and the "use" formulation can be found in section 12 of the Copyright Act, 1978 (Act No. 98 of 1978, as amended up to Copyright Amendment Act 2002) of South Africa. The relevant provisions read:

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<sup>8</sup> Records of the Stockholm Conference, 1967, p 921-922, paras. 1565.1 et seq (stating that the Main Committee unanimously approved S/248 para. (1), which states, in relation to, among others, Art. 10(1) and (2), "it seems normal that the exceptions introduced into the provisions for the right of reproduction should also apply to the right of translation, that is to say, should also apply to the translated version of the work.").

<sup>9</sup> Records of the Stockholm Conference, 1967, pp 922, paras. 1570-1581, 926, paras. 1652.2, p. 927, para. 1662 (stating that the Main Committee approved S/269 Addendum, with 2 abstentions).

<sup>10</sup> Records of the Stockholm Conference, 1967, p 926, paras. 1652.2, 1653.1, 1655.

<sup>11</sup> Chile Law No. 17.336 on Intellectual Property, as revised by Law No. 20.435 (Apr. 23, 2010), Art. 71Q.

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

(9) The provisions of subsections (1) to (7) inclusive shall apply also with reference to the *making or use of an adaptation* of a work.

(11) The provisions of subsections (1) to (4) inclusive and (6), (7) and (10) shall be construed as embracing the right to use the work in question *either in its original language or in a different language*, and the right of translation of the author shall, in the latter event, be deemed not to have been infringed.

[emphasis added]

So as noted in Table 1, the "use" formulation has been applied to the private and personal use provisions (44 provisions, 42 member states), educational reproduction provisions (69 provisions, 59 member states) and educational broadcast, communications and recording provisions (77 provisions, 62 member states).

In sum, WIPO member states have broadly implemented provisions to enable the making of adaptations and translations of works, and also the use of such works where the works in question are adaptations and translations themselves, with a view to educational purposes and objectives.

### 3. Restricting or Limiting the Copyright Liability of Educational Institutions

The issue sought to be reviewed here is as regards provisions that restrict or limit the liability of educational institutions. In a sense, the scheme of limitations and exceptions for *particular* activities that have been examined in the existing study already operate to restrict or limit the liability of educational institutions, by sanctioning the educational activities that would otherwise require the authorization of the copyright holder. What the updated study seeks to do is to review and analyze the provisions that *generally* restrict or limit the liability of educational institutions.<sup>12</sup> Given the breadth of the copyright limitations and exceptions, it is therefore no surprise that this analysis only found 8 such general provisions in the copyright legislation of WIPO member states.

These 8 provisions can be grouped as follows: 2 provisions exempt educational institutions for infringement from the automatic or transient storage of copyright material on networks for teaching purposes (Australia and the U.S.),<sup>13</sup> 1 provision exempts educational institutions from the indictable offence of commercial-scale copyright infringement (Australia),<sup>14</sup> 1 provision absolves the educational institution from being attributed with the infringing acts and knowledge of infringing activities of its faculty member or graduate student (the U.S.),<sup>15</sup> and 4 provisions limit or remit the statutory damages that would otherwise be payable by an educational institution for activities associated with its teaching functions (Bahamas, Canada and the U.S.).<sup>16</sup>

To illustrate from these groups of provisions, the explanatory proviso to section 110(2) of the U.S. Copyright Act states, after spelling out the exception that the performance or display of a nondramatic literary or musical work by or in the course of a transmission by an accredited nonprofit educational institution as part of teaching content is not an infringement of copyright, that:

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<sup>12</sup> Example of limitations and exceptions for specific educational activities can be found in the provisions that exempt educational institutions from liability for circumventing TPMs and removal of RMIs pursuant to their educational activities. See e.g., Australia Copyright Act, ss 132APC(8), 132APD, 132APE, 132AT (removal of RMIs and circumvention of TPMs); Singapore Copyright Act, ss 260(7), 261C(9) (removal of RMIs and circumvention of TPMs).

<sup>13</sup> Australia Copyright Act, s 200AAA; U.S. Copyright Act, s. 110(2) proviso.

<sup>14</sup> Australia Copyright Act, s 132AC.

<sup>15</sup> U.S. Copyright Act, s. 512(e).

<sup>16</sup> Bahamas Copyright Act, 1988, s 41(3)(d); Canada Copyright Act, s 38.1(6), 38.2(1); U.S. Copyright Act, s 504.

For purposes of paragraph (2), no governmental body or accredited nonprofit educational institution shall be liable for infringement by reason of the transient or temporary storage of material carried out through the automatic technical process of a digital transmission of the performance or display of that material as authorized under paragraph (2). No such material stored on the system or network controlled or operated by the transmitting body or institution under this paragraph shall be maintained on such system or network in a manner ordinarily accessible to anyone other than anticipated recipients. No such copy shall be maintained on the system or network in a manner ordinarily accessible to such anticipated recipients for a longer period than is reasonably necessary to facilitate the transmissions for which it was made.<sup>17</sup>

Section 132AC of the Australian Copyright Act provides that:

Commercial-scale infringement prejudicing copyright owner Indictable offence

(1) A person commits an offence if:

- (a) the person engages in conduct; and
- (b) the conduct results in one or more infringements of the copyright in a work or other subject-matter; and
- (c) the infringement or infringements have a substantial prejudicial impact on the owner of the copyright; and
- (d) the infringement or infringements occur on a commercial scale.

...

(7) This section does not apply in respect of anything lawfully done by the following in performing their functions:

- (a) a library (other than a library that is conducted for the profit, direct or indirect, of an individual or individuals);
- (b) a body mentioned in:
  - (i) paragraph (a) of the definition of archives in subsection 10(1); or
  - (ii) subsection 10(4);
- (c) *an educational institution*;
- (d) a public non-commercial broadcaster, including:
  - (i) a body that provides a national broadcasting service within the meaning of the Broadcasting Services Act 1992; and
  - (ii) a body that holds a community broadcasting licence within the meaning of that Act.

Note 1: A library that is owned by a person conducting a business for profit might not itself be conducted for profit (see section 18).

Note 2: A defendant bears an evidential burden in relation to the matter in subsection (7) (see subsection 13.3(3) of the Criminal Code).<sup>18</sup>

Section 38.1 of the Canadian Copyright Act provides as follows:

(6) No statutory damages may be awarded against

- (a) an educational institution or a person acting under its authority that has committed an act referred to in section 29.6 or 29.7 and has not paid any royalties or complied with any terms and conditions fixed under this Act in relation to the commission of the act;
- (b) an educational institution, library, archive or museum that is sued in the circumstances referred to in section 38.2;

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<sup>17</sup> U.S. Copyright Act, s. 110(2) proviso.

<sup>18</sup> Australia Copyright Act, s. 132AC.



(c) a person who infringes copyright under paragraph 27(2)(e) or section 27.1, where the copy in question was made with the consent of the copyright owner in the country where the copy was made; or

(d) an educational institution that is sued in the circumstances referred to in subsection 30.02(7) or a person acting under its authority who is sued in the circumstances referred to in subsection 30.02(8).<sup>19</sup>

#### 4. Licences that Override Copyright Limitations and Exceptions

The issue here is as to the treatment of copyright licensing terms that seek to limit or even override the application of copyright limitations and exceptions for educational activities. In many jurisdictions, there are general provisions on treating contractual provisions as illegal, unconscionable, or contrary to public policy, and ruled unenforceable on that basis,<sup>20</sup> and these might apply to such contractual provisions or licensing terms.

However, absent judicial intercession, content providers could ostensibly use the device of the copyright licence to circumscribe the various copyright limitations and exceptions. To this end, some member states have enacted provisions to explicitly provide that licensing terms that limit or override copyright limitations and exceptions are unenforceable. This study has found 14 such provisions in the copyright laws of 8 member states. These provisions in the copyright laws of Antigua and Barbuda,<sup>21</sup> Barbados,<sup>22</sup> Belize,<sup>23</sup> Brunei,<sup>24</sup> Jamaica,<sup>25</sup> Saint Kitts and Nevis,<sup>26</sup> Saint Vincent and the Grenadines<sup>27</sup> and the United Kingdom,<sup>28</sup> provide that licensing terms and conditions that authorize the activities which are exempted in the limitations and exceptions cannot be narrower or more restrictive than the scope of the legal limitations and exceptions. Using the United Kingdom Copyright, Designs and Patents Act 1988 (c. 48) as an example, these provisions provide as follows:

##### 32 Illustration for instruction

(1) Fair dealing with a work for the sole purpose of illustration for instruction does not infringe copyright in the work provided that the dealing is—

(a) for a non-commercial purpose,

(b) by a person giving or receiving instruction (or preparing for giving or receiving instruction), and

(c) accompanied by a sufficient acknowledgement (unless this would be impossible for reasons of practicality or otherwise).

(2) For the purposes of subsection (1), “giving or receiving instruction” includes setting examination questions, communicating the questions to pupils and answering the questions.

<sup>19</sup> Canada Copyright Act (R.S.C., 1985, c. C-42) (as amended up to June 22, 2016), s. 38.1(6).

<sup>20</sup> See e.g. *Bovard v. American Horse Enterprises*, 201 Cal. App. 3d 832, 247 Cal. Rptr. 340 (1988); *Royal Bank of Canada v. Newell*, 147 D.L.R. (4th) 268 (N.S.C.A.); French Civil Code, Art. 1172 (“Toute condition d’une chose impossible, ou contraire aux bonnes mœurs, ou prohibée par la loi est nulle, et rend nulle la convention qui en dépend.” or, as translated in English “Any condition providing for an impossible thing, or contrary to public morals, or prohibited by law, is null and renders the agreement itself that depends upon it null.”); German Civil Code (last amended by Article 4 para. 5 of the Act of 1 October 2013), Section 138 (“(1) A legal transaction which is contrary to public policy is void. (2) In particular, a legal transaction is void by which a person, by exploiting the predicament, inexperience, lack of sound judgement or considerable weakness of will of another, causes himself or a third party, in exchange for an act of performance, to be promised or granted pecuniary advantages which are clearly disproportionate to the performance.”).

<sup>21</sup> Antigua and Barbuda Copyright Act 2003, s 59.

<sup>22</sup> Barbados Copyright Act, 1998 (Cap. 300) (as revised up to 2006), s 58.

<sup>23</sup> Belize Copyright Act (Cap. 252, Revised Edition 2000), s 64.

<sup>24</sup> Brunei Darussalam Emergency (Copyright) Order, 1999, s 40.

<sup>25</sup> Jamaica Copyright Act - Act 5 of 1993, s 59.

<sup>26</sup> Saint Kitts and Nevis Copyright Act (Cap. 18.08), s 59.

<sup>27</sup> Saint Vincent and the Grenadines Copyright Act 2003 (Act No. 21 of 2003), s 60.

<sup>28</sup> United Kingdom Copyright, Designs and Patents Act 1988 (c. 48), revised and updated as of (as of Jul. 29, 2017), s 32; Schedule 2, para. 4.

(3) To the extent that a term of a contract purports to prevent or restrict the doing of any act which, by virtue of this section, would not infringe copyright, *that term is unenforceable.* [emphasis added]

In its most recent revisions to its copyright legislation,<sup>29</sup> the United Kingdom has taken this approach further and applied it to render unenforceable the terms of any contract<sup>30</sup> that may purport to prevent or restrict fair dealing for private use,<sup>31</sup> quotations,<sup>32</sup> reproductions for data analytics<sup>33</sup> and educational communications.<sup>34</sup> The objective behind this is clear: since many of these works, particularly works in digital media, come with terms of use that license the users to access the works in question, the users' entitlement to exercise the activities sanctioned in copyright legislation cannot be circumscribed by the terms of the contract or licence. Users of copyright works should be enabled to use "works in ways which do not directly trade on the underlying creative and expressive purpose of the work".<sup>35</sup> As explained in the Hargreaves report, rendering the terms of such contracts unenforceable "ensure[s] that these and other copyright exceptions are protected from override by contract."<sup>36</sup>

Applying the same principles, another class of provisions in copyright legislation provides that any such contractual provisions that contradict the limitations or exceptions are null and void and are of no effect. These are different from the previous class of provisions because they are not specific to a particular limitation or exception, but are of general application. Perhaps these provisions are inspired by similar provisions found in the EU Database Directive<sup>37</sup> and the EU Software Directive.<sup>38</sup> This study found 8 such provisions can be found in the copyright legislation of the following 7 member states: Cook Islands,<sup>39</sup> Ireland,<sup>42</sup> Montenegro,<sup>43</sup> Portugal,<sup>44</sup> Republic of Moldova,<sup>45</sup> and Sao Tome and Principe.<sup>46</sup> For instance, the following provisions are found in the Cook Islands Copyright Act 2013:

#### 11 Transmission and licensing of copyright

##### (1) The copyright in a work-

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<sup>29</sup> United Kingdom, The Copyright and Rights in Performances (Personal Copies for Private Use) Regulations 2014 (S.I. 2014/2361); The Copyright and Rights in Performances (Research, Education, Libraries and Archives) Regulations 2014 (S.I. 2014/1372); The Copyright and Rights in Performances (Quotation and Parody) Regulations 2014 (S.I. 2014/2356).

<sup>30</sup> Explanatory Memorandum to the Copyright and Rights In Performances (Personal Copies For Private Use) Regulations 2014, The Copyright And Rights In Performances (Research, Education, Libraries And Archives) Regulations 2014, The Copyright And Rights In Performances (Quotation And Parody) Regulations 2014, The Copyright And Rights In Performances (Disability) Regulations 2014 And The Copyright (Public Administration) Regulations 2014, para. 7.7.4.

<sup>31</sup> United Kingdom Copyright, Designs and Patents Act 1988 (c. 48), revised and updated as of (as of Jul. 29, 2017), ss 28B, 29(1), (1C); Schedule 2, paras. 1B, 1C(1), (2).

<sup>32</sup> United Kingdom Copyright, Designs and Patents Act 1988 (c. 48), revised and updated as of (as of Jul. 29, 2017), s 30(1ZA), Schedule 2, para. 2(1ZA).

<sup>33</sup> United Kingdom Copyright, Designs and Patents Act 1988 (c. 48), revised and updated as of (as of Jul. 29, 2017), s 29A, Schedule 2, para. 1D.

<sup>34</sup> United Kingdom Copyright, Designs and Patents Act 1988 (c. 48), revised and updated as of (as of Jul. 29, 2017), s 32; Schedule 2, para. 4.

<sup>35</sup> Ian Hargreaves, *Digital Opportunity: A Review of Intellectual Property and Growth* (2011), 99, available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/32563/ipreview-finalreport.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/32563/ipreview-finalreport.pdf).

<sup>36</sup> *Id.*

<sup>37</sup> Directive 96/9/EC of The European Parliament and of The Council of 11 March 1996 on the legal protection of databases, Art. 15.

<sup>38</sup> Directive 2009/24/EC of The European Parliament and of The Council of 23 April 2009 on the legal protection of computer programs, Art. 8(2).

<sup>39</sup> Cook Islands Copyright Act 2013, s 38(5).

<sup>40</sup> Finland Copyright Act (Act No. 404 of July 8, 1961, as amended up to 1494/2016 of December 29, 2016), s 49(4).

<sup>41</sup> Germany Act on Copyright and Related Rights (Copyright Act, as amended up to Law of October 1, 2013), Art. 69g.

<sup>42</sup> Ireland Copyright and Related Rights Act, 2000 (No. 28 of 2000), s 2(10).

<sup>43</sup> Montenegro Law No. 07-1/11-1/15 of July 12, 2011, on Copyright and Related Rights (promulgated by Decree No. 01-933/2 of July 25, 2011, and as amended up to No. 53/2016), Art. 45 paras. 2, 3.

<sup>44</sup> Portugal Code of Copyright and Related Rights (as last amended by Law No. 16/2008 of April 1, 2008), Art. 75.5.

<sup>45</sup> Republic of Moldova Law No. 139 of July 2, 2010, on Copyright and Neighbouring Rights (as amended by Law No. 212 of July 29, 2016), Art. 31(4).

<sup>46</sup> Sao Tome and Principe Code of Copyright and Related Rights (approved by Decree-Law No. 02/2017), Art. 75.5.

(a) is transmissible as personal or moveable property by assignment, testamentary disposition, or operation of law; and

(b) may be subject to a licensing regime whereby the owner of the copyright authorises another person to exercise 1 or more of the owner's economic rights in relation to the work.

...

(5) Any *contractual provision* contained in an agreement for the assignment or licensing of a work that is *contrary to any of the exceptions* to copyright infringement set out in sections 14 to 25 has *no lawful effect*. [emphasis added]

### 38 Transmission and licensing of rights

(1) The rights conferred on a performer, producer of a sound recording, and broadcaster under sections 28, 32, and 35-

(a) are transmissible as personal or moveable property by assignment, testamentary disposition, or operation of law; and

(b) may be subject to a licensing regime, whereby the owner of the rights authorizes another person to exercise 1 or more of the owner's rights in relation to the performance, sound recording, or communication to the public.

...

(5) Any *contractual provision* contained in an agreement for the assignment or licensing that is *contrary to any of the exceptions* set out in section 37 has, to the extent that it is inconsistent with the exceptions, *no lawful effect*. [emphasis added]<sup>47</sup>

The Irish Copyright and Related Rights Act, 2000 (No. 28 of 2000) sets out this rule as a rule of interpretation:

2(10) Where an act which would otherwise infringe any of the rights conferred by this Act is permitted under this Act it is *irrelevant whether or not there exists any term or condition in an agreement which purports to prohibit or restrict that act*. [emphasis added]<sup>48</sup>

And the Montenegro Law on Copyright and Related Rights affirms that the limitations and exceptions are rules of policy which may neither be waived by the user nor circumvented by the licensee:

#### Permitted limitations

##### Article 45

Limitations to copyright shall only be permitted in the cases referred to in Articles 43, 46-61, 76, 113, 114 and 144 of this Act, provided they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.

The *limitations to copyright* referred to in Par. (1) of this Article *may not be waived*.

The *provisions of a contract or other legal act stipulating the user's waiver of the permitted limitations* referred to in Par. (1) of this Article, shall be *null and void*. [emphasis added]<sup>49</sup>

## 5. Digital Copying and Digital Dissemination within the Framework of the Berne Appendix

To recap, the earlier study examines the various provisions in national copyright legislation that provide for compulsory licences for translation and reproduction for educational purposes, based on Articles III and II of the Appendix to the Paris Act of the Berne Convention respectively. In particular, the relevant parts of Articles III and II read as follows:

<sup>47</sup> Cook Islands Copyright Act 2013, s 38(5).

<sup>48</sup> Ireland Copyright and Related Rights Act, 2000 (No. 28 of 2000), s 2(10).

<sup>49</sup> Montenegro Law No. 07-1/11-1/15 of July 12, 2011, on Copyright and Related Rights (promulgated by Decree No. 01-933/2 of July 25, 2011, and as amended up to No. 53/2016), Art. 45 paras. 2, 3.

## Article II

### Limitations on the Right of Translation:

(2) (a) Subject to paragraph (3), if, after the expiration of a period of three years, or of any longer period determined by the national legislation of the said country, commencing on the date of the first publication of the work, a translation of such work has not been published in a language in general use in that country by the owner of the right of translation, or with his authorization, any national of such country may obtain a license to *make a translation of the work in the said language and publish the translation in printed or analogous forms of reproduction.*

## Article III

### Limitation on the Right of Reproduction:

(2) (a) If, in relation to a work to which this Article applies by virtue of paragraph (7), after the expiration of

(i) the relevant period specified in paragraph (3), commencing on the date of first publication of a particular edition of the work, or

(ii) any longer period determined by national legislation of the country referred to in paragraph (1), commencing on the same date,

copies of such edition have not been distributed in that country to the general public or in connection with systematic instructional activities, by the owner of the right of reproduction or with his authorization, at a price reasonably related to that normally charged in the country for comparable works, any national of such country may obtain a license to *reproduce and publish such edition* at that or a lower price for use in connection with systematic instructional activities.

This study update additionally addresses the question as to the scope of digital copying and digital dissemination of works within the scope of the compulsory licence provisions in national legislation that implement Articles II and III of the Berne Appendix.

To review this question, which calls for a substantive analysis of the national laws of member states, reference is made exclusively to the definition provisions in the member states' copyright legislation, to resolve the scope of the reproduction right, the publication right, and the right of communication to the public (and the right of making available a work<sup>50</sup>) as enabling digital dissemination. In this review, the definitions are examined for the feasibility that the rights in national legislation will encompass digital reproductions, digital publications and digital disseminations.

This exercise is undertaken with a fair measure of diffidence because it has not been possible, under the circumstances of this updated study, to consult with the member states' legal experts. It is also made difficult because the non-uniform treatment of digital copying and digital dissemination as in national legislation. For instance, in some member states, the right of distribution connotes the circulation of physical copies of works, but in other member states, the right of distribution includes the right of dissemination, and thereby includes the circulation and communication of works, without the necessary circulation of physical copies. The analytical considerations are further compounded by the fact that in many member states, the definition provisions are limited or make no reference to the digital medium or digital transmission.

These difficulties may be illustrated with a few examples from the legislation of member states. For instance, Article 4 of the Angola Law on Author's Rights defines the following:

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<sup>50</sup> WIPO Copyright Treaty, Art. 8 (defining "right of communication to the public" as including "the making available to the public of their works in such a way that members of the public may access these works from a place and at a time individually chosen by them"). See also, the Agreed Statements concerning the WIPO Copyright Treaty, Concerning Arts. 6 and 7 (providing that the right of distribution refers exclusively to fixed copies that can be put into circulation as tangible objects). Cf. WIPO Performances and Phonograms Treaty, Arts. 10, 14.

- (a) "published work" means a work published with the consent of its author, whatever the mode of manufacture of the copies, where, taking into account the nature of the work, the number of copies made available to the public adequately satisfies the needs of the public;
- (h) "communication to the public" means the act by which a work is made available to the public;
- (i) "reproduction" means the making of one or more copies of a literary, artistic or scientific work in any material form whatsoever including any sound or visual recording;<sup>51</sup>

So by these definitions, a published work can take digital form, since a reproduction can be "in any material form" and a published work is a work published "whatever the mode of manufacture of the copies". A digital work may be arguably communicated to the public by making it available to the public, although no reference is made to digital works or the electronic mode of such communication. However, no reference is made to the right to communicate a digital work in Article 30 of the Angola Law on Author's Rights, which reads:

Article 30.(1) For the purposes of teaching or scientific research exclusively, it shall also be lawful, without the consent of the author, to obtain a non-exclusive license to *translate and publish* in Portuguese or in one of the national languages of Angola a work already lawfully disclosed and which its author has not withdrawn from circulation or *to reproduce such work* in those cases where the following conditions are met:... [emphasis added]

Hence, the conclusion is reached that the compulsory licence provisions for translation for educational purposes does not encompass digital disseminations.

By way of comparison, the same conclusion is reached in relation to the Bangladesh Copyright Act, but for different reasons. Section 2 of the Act defines the following:

- (1) "copy" means a reproduction in the form of words, picture, sounds, letters, written form or in the form of sound recordings, cinematograph film, graphic picture or in the *material or nonmaterial form, digital code (fixed or moving)* or whether in two or three or surrealistic dimensions;
  - (15) "communication to the public" means making any work available for being seen or heard or otherwise enjoyed by the public through wire and wireless means directly or by any means of display or diffusion other than by issuing copies of such work regardless by any member of the public actually sees, hears or otherwise enjoys the work made available in this manner;
- Explanation: For the purposes of this clause, communication through satellite or cables or any other means of simultaneous communication to more than one household or any place of residence including office, club, and community centre etc, residential room of any house or hostel shall be deemed to be communication to the public.
- (43) "broadcast" means communication to the public by means of wireless diffusion, whether in any one or more of the forms of signals, signs, sounds, computer with internet connections satellites or visual images including telecast or broadcast by wire or wireless devices or by both; and it also includes a re-broadcast/re-telecast;<sup>52</sup>

Section 3 in turn defines "publication" as follows:

3. Meaning of publication. For the purposes of this Act, "publication" means making a work available to the public *by issuing of copies or by communicating the work to the public*:

Provided that if there is nothing contrary to this Act, the following works *shall not* come within the meaning of publication, namely:

- (a) dramatic, dramatic-musical, cinematograph film or musical works;
- (b) recitation of a literary work in public;
- (c) communication through wire, wireless and any other medium, broadcasting of a literary or an artistic work;
- (d) exhibition of artistic works;

<sup>51</sup> Angola Law No. 4/90 of March 10, 1990, on Author's Rights, Art. 4.

<sup>52</sup> Bangladesh Copyright Act, 2000 (Act No. 28 of 2000, as amended up to 2005), s 2.

(e) construction of a work of architecture.<sup>53</sup>

So by these definitions, a publication encompasses the issuance of copies or communication of the work to the public, but does not encompass communication "through wire, wireless and any other medium, broadcasting" of a literary or artistic work and broadcast of the same work. Hence even though section 52 of the Bangladesh Copyright Act refers to a licence to produce and "publish" a translation or reproduction of a work, the publication does not connote a digital dissemination of the work, and there is nothing in the context of section 52 which suggests that this interpretation should be varied.

In contrast, the opposite conclusion is reached in relation to the Colombia Law on Copyright. The operative provisions, Articles 45, 46 and 58, refer the grant of a licence for reproduction/translation and publication of the work "in printed or analogous forms of reproduction". Article 8 defines the following terms:

(p) "publication" means communication to the public by any method or system;

(q) "publisher" means the person, natural or legal, who is economically and legally responsible for the publication of a work and who, on his own account or under a contract concluded with the author or authors of the said work, undertakes to reproduce it by printing or any other means of reproduction and to distribute it;

The definition of "publication" encompasses a communication to the public "by any method or system". That, coupled with the reference in Articles 45, 46 and 58 to reproduction/translation and publication "in printed or analogous forms of reproduction", suggests that "publication" encompasses digital dissemination. However, the definition of "publisher" arguably seems to connote a physical distribution of a reproduced work ("printing or other means of reproduction"), which seems separate from the right of "communication to the public". The definitions notwithstanding, this appears to be how Article 76 enumerates the exclusive economic rights of copyright of the authors of works:

Article 76. The authors of scientific, literary or artistic works and their successors in title shall have the exclusive right to authorize or prohibit:

(a) *publication*, or any other form of reproduction;

(b) translation, arrangement or any other form of adaptation;

(c) incorporation on cinematograph film, videogram, videotape, phonogram or any other medium of fixation;

(d) *communication to the public by any process or means*, including:

(i) performance, recitation or declamation;

(ii) sound or audiovisual broadcasting;

(iii) *dissemination* by loudspeakers or wire or wireless telephony, or by means of phonographs, sound or recording equipment and comparable apparatus;

(iv) *public use by any other known or future medium of communication or reproduction*.

Having considered all these provisions, for purposes of this study, the licensing provisions herein were classified as *probably* encompassing digital dissemination.

Yet another example can be found in the Syrian Law on the Protection of Copyright and Related Rights (2013). Article 1 defines the following terms:

In applying the provisions of this Law, the following expressions and words shall have the meanings stated next to each one of them:

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<sup>53</sup> Bangladesh Copyright Act, 2000 (Act No. 28 of 2000, as amended up to 2005), s 3.

Electronic means: The electronic, electrical, magnetic, electromagnetic, optical or digital means, or any similar means used for the generation, gathering, preservation, or storage of data or information, or else for the access, processing, transmission, or exchange of such data or information.

Publication: Making the work or copies thereof or copies of the sound or visual recording available to the public with the consent of the author or the producer of the recording, in a reasonable quantity that satisfies the needs of the public, through sale or rental, or by any other means which transfers the ownership or the possession of the copy of the work or the recording, or the right to their use, or else making copies of the work or the recording available to the public by any electronic means. The presentation of a drama work, a musical drama work, a cinematographic work, the playing of a musical work, the public recitation of a literary work, the transmission or broadcasting of artistic or literary works, the exhibition of a work of art, the construction of a work of architecture, or the presentation of a recording through any device or means or its broadcasting shall not be considered a publication.

Reproduction: Reproduction of a copy or copies of a literary, artistic or scientific work in any form whatsoever, including sound or visual recordings, or recordings transmitted by electronic or optical means, or by any other means.

A close examination of these provisions leads to the conclusion that in Syria, electronic "reproduction", "publication" and "dissemination" are all allowed. "Reproduction" is broadly defined to encompass the copying of a work "in any form whatsoever". "Publication" is in turn defined to refer to the making available to the public of copies, or reproductions as previously defined (but does not encompass transmission or broadcasting of artistic or literary works). More importantly, both the "reproduction" and the "publication" definitions envisage the reproduction and publication of electronic copies to include the transmission of such copies "by [any] electronic ... means", which connotes the acceptance of "digital dissemination" of the works, and illustrate the inextricably-linked nature of these rights.

Thus, within the limits of this rather limited and artificial review, and bereft of the advantage of considered opinion from national experts, this study attempts to resolve these questions, and summarizes them in the following table:

- reproduction, publication or dissemination in the digital medium is enabled
- no reproduction, publication or dissemination in the digital medium is permissible
- with some diffidence, reproduction, publication or dissemination in the digital medium is probably possible

On these bases the analysis proceeds as follows.

Licensing Type	No. of Provisions Enabling Digital Reproduction (No. of member states)			No. of Provisions Enabling Digital Publication (No. of member states)			No. of Provisions Enabling Digital Dissemination (No. of member states)			Total No. of Provisions (No. of member states)
	Yes	Probable	No	Yes	Probable	No	Yes	Probable	No	All
Licences for reproduction	31 (29)	6 (6)	3 (3)	26 (24)	11 (11)	3 (3)	6 (6)	6 (6)	28 (26)	40 (36)
Licences for translation	35 (31)	10 (9)	5 (5)	32 (28)	12 (12)	6 (6)	5 (4)	7 (7)	38 (32)	50 (42)
Total	66 (36)	16 (11)	8 (7)	58 (31)	23 (14)	9 (8)	11 (6)	13 (8)	66 (34)	90 (44)

Table 2: Scope of Compulsory Licence Provisions for Digital Reproduction, Digital Publication and Digital Dissemination under the Framework of the Berne Appendix by No. of Provisions (No. of Member States).

The study found that by and large, the licensing provisions based on the Berne Appendix seem to be ready for digital reproduction and digital publication. For instance, 31 provisions (29 member states) and 26 provisions (24 member states) pertaining to licences for reproduction clearly enable digital reproduction and digital publication respectively. Similarly, 35 provisions (31 member states) and 32 provisions (28 member states) pertaining to licences for translation clearly enable digital reproduction and digital publication respectively. The provisions which probably enable digital reproduction or digital publication (16 provisions in 11 member states, and 23 provisions in 14 member states respectively) are in the minority, and there are even fewer provisions which do not enable digital reproduction or publication (8 provisions in 7 member states, and 9 provisions in 8 member states respectively).

However, the scenario changes with respect to digital dissemination, where member states' licensing provisions appear not to have fully embraced the digital medium. Only 6 provisions (6 member states) and 5 provisions (4 member states) enable digital dissemination for licences for reproductions and for translations respectively. The majority of provisions (28 provisions in 26 member states and 38 provisions in 32 member states respectively) do not provide for digital dissemination in their reproduction and translation licences respectively.

#### 6. TPM/RMI Flexibilities, Limitations or Exceptions for Educational Purposes

Since the 2016 study, the WCT and WPPT have gained new members. This updated study reviews the national legislation of these new members and takes into account the results from this review.

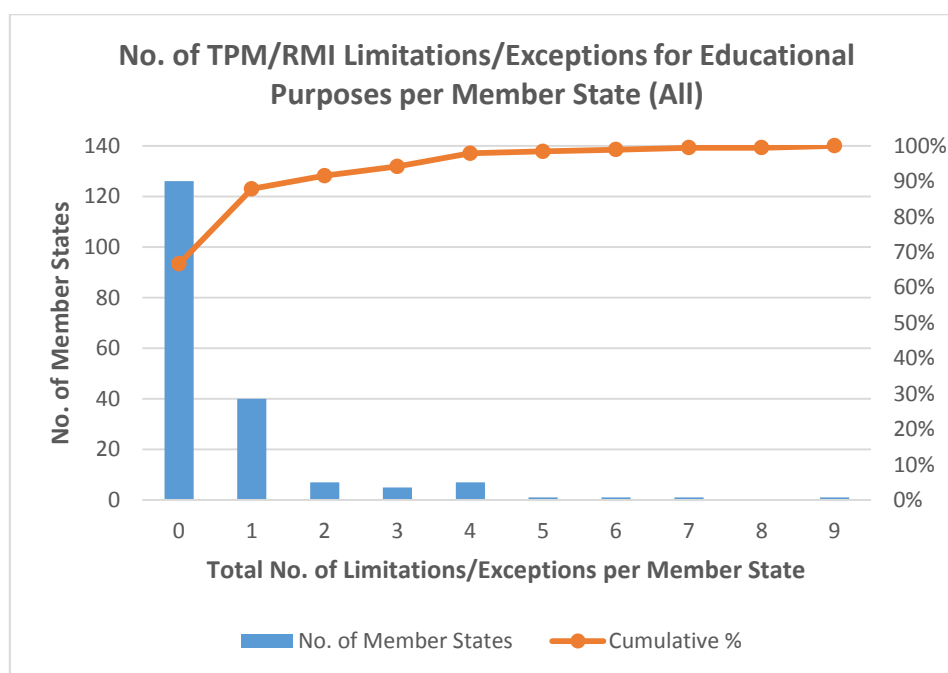


Figure 1: Distribution of Number of TPM/RMI Limitations/Exceptions for Educational Purposes per Member State

63 member states (33.3%) have enacted 124 provisions that provide for limitations or exceptions to TPM and RMI protection for educational purposes. 48 of these member states have ratified or acceded to the WCT and WPPT. (See Figure 1.) It is therefore interesting to find the following 15 member states that are not WCT and WPPT members, but nonetheless have these limitations or exceptions in their national legislation: Cook Islands, Grenada, Holy See, Iceland, India, Liberia,



Malawi, Mauritius, New Zealand, Norway, Rwanda, Sao Tome and Principe, Seychelles, Thailand and Zimbabwe.

Of these 124 provisions, 105 provisions from 59 member states pertain to flexibilities, limitations or exceptions to TPM protection to facilitate educational activities. 46 of these 59 member states are also members of WCT and WPPT. In contrast, there are only 16 provisions<sup>54</sup> from 14 member states that permit the removal and alteration of RMI for educational purposes. 11 of these 14 member states are also members of WCT and WPPT. The WCT/WPPT status of these member states is noteworthy, because these member states have not only enacted flexibilities, limitations or exceptions to TPM or RMI protection, but they have also done so specifically to facilitate educational activities, notwithstanding the absence of explicit obligations to enact the same in the WCT and WPPT.

This is borne out in part by examining the number of such flexibilities, limitations or exceptions enacted by WIPO member states. As can be seen from Figure 1, the average number of such provisions per member state is 0.66,<sup>55</sup> suggesting a low rate of acceptance of these flexibilities, limitations and exceptions among WIPO member states. However, among member states that have enacted such provisions, the average number of provisions rises to 1.971. In other words, member states that have enacted flexibilities, limitations or exceptions to TPM or RMI protection to facilitate educational activities have seen it necessary to enact two such flexibilities, limitations or exceptions per member state.

Limiting the analysis to only provisions that clearly provide for exceptions to TPM protection, the average number of such provisions per member state is 1.76 (standard deviation is 1.36, median is 1). Interestingly, confining this analysis to those provisions enacted by WIPO member states who are also members of the WCT or WPPT results in no changes to the aforesaid statistics. This strongly suggests that member states ascribe to the utility of enacting at least 1 flexibility, limitation, or exception (that applies to educational activities) to TPM protection, and that this policy was adopted independent of the member states' membership in the WCT or WPPT.

The purposes for the flexibilities, limitations and exceptions identified in these provisions include: teaching (7 provisions), private or personal use (5 provisions), educational purchase or acquisition decisions (11 provisions), encryption research (18 provisions), security testing (17 provisions), interoperability (9 provisions), legitimate access (17 provisions) and realization for beneficiaries of the limitations and exceptions enacted for their benefit (30 provisions).

The manner in which each provision provides that TPM/RMI may be circumvented, removed, or disabled, or access granted, varies. 43 provisions oblige or require the rightholder to lift the TPMs, alter their works or make available appropriate means to enable the purposes to be achieved. Many of these provisions further require the aggrieved beneficiary to engage the rightholder to negotiate a solution to the impasse. 73 provisions entitle the beneficiary to simply circumvent, remove, disable or destroy the TPMs or RMI without penalty or damages. The rest of the provisions variously entitle the beneficiary to reproduce or conduct activities on the work and be absolved of infringement.

The most typical conditions imposed on the exercise of these provisions are that the source work in question be a lawfully acquired copy of the work (14 provisions), and that the beneficiary act in good faith or without an intent to infringe copyright (28 provisions).

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<sup>54</sup> The rest of the provisions are drafted widely and not specifically with respect to TPM or RMI, but have the effect of enabling specific types of activities such as interoperability, encryption, security research which would not be possible if TPM or RMI were applied to the work.

<sup>55</sup> The standard deviation is 1.33, median is 0.

## 7. Further Analysis and Conclusions

This updated study and extended analysis did not arrive at any conclusions that are substantially different from the earlier study. In summary, the findings of this updated study are as follows.

First, while this study has identified two separate and distinct formulations adopted by member states for limitations and exceptions that enable "adaptations" or "translations" – the "adaptation or translation" formulation and the "source work" formulation – as explained above, both formulations are actually complementary aspects of the third formulation – the "use" formulation adopted by many member states. Thus, the total number of states that have adopted the "adaptation or translation" formulation and the "source work" formulation and the total number of such provisions (80 states, 267 provisions) are about the same as the total number of states with provisions that adopt the "use" formulation and the total number of such provisions (96 member states, 283 provisions). The "adaptation or translation" formulation and the "source work" formulation address different aspects of the issues relating to adaptations or translations, which the Stockholm Conference clearly sought to address these issues by way of the "use" formulation. Member states may thus find it useful to look more closely at these formulations to see which formulation better reflects the wide range of educational activities sought to be enabled by the exceptions and limitations in their legislation.

Second, only very few member states have provisions in their copyright legislation to restrict or limit the copyright liability of educational institutions (4 member states, 8 provisions). Of those that do, the objectives served by the provisions are to absolve educational institutions from liability for indirect copyright infringement,<sup>56</sup> to absolve educational institutions from criminal liability,<sup>57</sup> and to limit their exposure to statutory damages.<sup>58</sup> And of these, the objective of limiting the exposure of educational institutions to the effects of statutory damages appears to be of greatest concern to the policy makers of the respective member states, because of the relatively autochthonous recognition of indirect copyright liability and statutory damages in the copyright legislation of member states.<sup>59</sup>

Third, 15 member states have 22 provisions in their copyright legislation that provide that contractual provisions that contradict the limitations or exceptions are unenforceable or null and void. While this represents only a minority of WIPO member states, the enactment of these provisions appears to be part of a move by legislators to protect the limitations and exceptions from the effects of overriding contractual licences. These measures are often justified as methods to encourage higher granularity and greater certainty and transparency in licensing terms, especially for digital content,<sup>60</sup> and this is a subject that could be explored further.

Fourth, based on an exclusively literal review of the definition provisions of the provisions of WIPO member states, within the framework of the Berne Appendix, it is found that a majority of the provisions recognize digital reproduction and digital publication of works, regardless of whether these are pursuant to licences for reproduction or for translation. However, a majority of the same provisions do not recognize digital dissemination of works. The reason is probably because the Berne Appendix only refers to a licence for "reproduction/translation" and "publication" of the work, and makes no reference to the "dissemination" of the said work, which could be "in printed or

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<sup>56</sup> E.g. Australia Copyright Act, s 200AAA; U.S. Copyright Act, s. 110(2) proviso; U.S. Copyright Act, s. 512(e).

<sup>57</sup> E.g. Australia Copyright Act, s 132AC.

<sup>58</sup> E.g. Bahamas Copyright Act, 1988, s 41(3)(d); Canada Copyright Act, s 38.1(6), 38.2(1); U.S. Copyright Act, s 504.

<sup>59</sup> Subject to the recognition of indirect copyright liability and statutory damages in the free trade agreements which the U.S. government has entered into with its trading partners worldwide.

<sup>60</sup> HM Government, Modernising Copyright: A modern, robust and flexible framework – Government response to consultation on copyright exceptions and clarifying copyright law (2012), at 19, available at <http://copyright-debate.co.uk/wp-content/uploads/Modernising-Copyright-a-modern-robust-and-flexible-framework-Government-response.pdf>.

analogous forms of reproduction".<sup>61</sup> That said, those member states whose compulsory licensing provisions were found to enable the digital dissemination of works made it possible by deviating from the norm<sup>62</sup> and defining a "publication" as encompassing a "communication". If it is intended for the Berne Appendix to unambiguously apply to the digital dissemination of reproduced or translated works for educational purposes, perhaps this issue would need to be revisited.

Finally, as previously noted, 63 WIPO member states have enacted provisions in national legislation to provide for flexibilities, limitations and exceptions to the protection of TPM and RMI. Of these 63 member states, almost all of them (59 member states) saw the necessity to enact TPM flexibilities, limitations or exceptions to facilitate educational activities, but only a small number (14 member states) have done the same in relation to RMI. The statistics are telling because they suggest that notwithstanding the absence of guidance in the WCT and WPPT, member states have deemed it necessary to enact flexibilities, limitations and exceptions, especially as regards the protection of TPM (and to a lesser extent, RMI), with reference to the use of works for educational activities. Where national legislation has interceded to fill the perceived lacuna in the WCT and WPPT, this suggests that international consensus may be developing around the necessity for flexibilities, limitations and exceptions to the protection of TPM and RMI, especially for educational purposes. A new role has to be found for such flexibilities, limitations and exceptions, even as TPM and RMI have been increasingly deployed by publishers to make possible the use of content for educational purposes in the digital environment.

Daniel Seng

October 2017

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<sup>61</sup> See Art. II, Berne Convention.

<sup>62</sup> See e.g. Art. 3(3), Berne Convention; Agreed Statements concerning the WIPO Copyright Treaty, Concerning Arts. 6 and 7.

## Afghanistan

### 1. Treaties & Legislation

Treaties:

Berne Convention: not a party

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law Supporting the Rights of Authors, Composers, Artists and Researchers (Copyright Law) (2008)

### 2. Private/Personal Use

Provision	Art. 39
Scope of private/personal use	reproduction
Type(s) of source work(s)	published work
Entity exercising private/personal use	natural person
Purpose of private/personal use	exclusively for personal use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	architecture, reprography or photography of all or important part of book [or] [sic] musical work, all or part of digital database. computer program
Subject to Attribution	
Subject to Remuneration	not required ("without author's authorization")

### 3. Quotations

### 4. Research/Educational Reproduction

Provision	Art. 40
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	short works or extracts of works
Entity exercising reproduction	
Purpose of educational reproduction	teaching purposes in educational institutions
Condition of reproduction	activities of which do not serve direct or indirect commercial gain  no collective licence available by competent authority in the collective management of rights of which educational institution is or should be aware
Frequency/copies and limits	isolated one; if repeated, each occurrence should be on separate and unrelated occasions
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	title, author (indicated on all copies)
Subject to Remuneration	not required ("lawful")

5. Educational Publications/Anthologies/Compilations/Composite Works
6. School Performances
7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 44(1)
Nature of compulsory licence for translation for educational purposes	non-exclusive compulsory licence, for translation and publication in a printed form or any other form
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>147</sup> probably no digital dissemination <sup>148</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	foreign work, published in a printed form or any other form
Licence applicant/entity	any Afghan citizen
Purpose of licence	for school and university education or research <sup>149</sup>
Condition of licence	three years after date of the first publication of work  work has not been previously translated and published in Aghanistan by or with consent of owner of translation right or translated editions have been depleted
Compulsory licence fee(s)	beneficiary of compulsory licence to pay a fair compensation in conformity with criteria for economic rights for voluntary licenses to the author of the original translated work <sup>150</sup>
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Ministry of Information and Culture

Provision	Art. 44(2)
Nature of compulsory licence for reproduction for educational purposes	non-exclusive compulsory licence, for reproduction and publication
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>151</sup>

<sup>147</sup> Art. 3.6 (defining "publication and broadcast" as "the transmission of audio, video or audio video and its supplements to the public through the use of any mean or mode").

<sup>148</sup> No reference in Art. 44(1) to broadcast or dissemination. See Art. 3.24 (defining "dissemination of the work" as "broadcasting and distribution of the work through selling, lease, mortgage, loan or any other type of property transformation or transferring it for the purpose of performance and display to the public").

<sup>149</sup> Art. 44(3).

<sup>150</sup> Art. 44(4).

<sup>151</sup> Art. 3.6 (defining "publication and broadcast" as "the transmission of audio, video or audio video and its supplements to the public through the use of any mean or mode").

	probably no digital dissemination <sup>152</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	any published work
Licence applicant/entity	any Afghan citizen
Purpose of licence	for school and university education or research <sup>153</sup>
Condition of licence	for broadcasted work of poetry, theater, music or art book for fictional work, 7 years to lapse from first publication for any other work, 5 years to lapse from first publication  no licence granted if right owner or representative distributes copies of the work in Afghanistan to satisfy the needs of the public or for school or university education at a price similar to prices of similar works in Afghanistan <sup>154</sup>  subject to licensee's sale of existing copies, licence nullified if right owner is publishing or has permitted the publishing of work under the same conditions, display, form and content or for a price similar to licensee's edition <sup>155</sup>
Compulsory licence fee(s)	beneficiary of compulsory licence to pay a fair compensation in conformity with criteria for economic rights for voluntary licenses to the author of the original translated work <sup>156</sup>
Price of publication	price similar or less than price provided for in licence <sup>157</sup>
Distribution conditions	
Grantor of compulsory licence	Ministry of Information and Culture

#### 9. TPM/RMI Exceptions for Educational Purposes

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<sup>152</sup> Art. 44(2).3.

<sup>153</sup> Art. 44(3).

<sup>154</sup> Art. 37.

<sup>155</sup> Art. 40.

<sup>156</sup> Art. 44(4).

<sup>157</sup> Art. 44(2).4.

## Albania

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 6, 1994 (Paris Act (1971): March 6, 1994)

WIPO Copyright Treaty: August 6, 2005

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

Law No. 35/2016 of March 31, 2016, on Copyright and Related Rights

### 2. Private/Personal Use

Provision	Art. 72
Scope of private/personal use	reproduce
Type(s) of source work(s)	a work of copyright, [performances, phonographic recordings, films, broadcasts, publications, databases] <sup>158</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	for private use and other personal use
Condition of private/personal use	in the form of a photocopy or by any means similar to the use of photographic techniques or any other means having similar effects to it and by any other means  copy is not accessible and does not target the public  copy has no direct or indirect commercial purposes
Frequency/copies and limits	no more than one copy
Preclusions (not part of private/personal use)	reproduction of an entire book, unless its copies have been exhausted for at least two years, graphic publications of musical works (score), electronic databases, cartographic works, buildings of architectural structures, computer programs <sup>159</sup>
Subject to Attribution	
Subject to Remuneration	reasonable reward payable by manufacturers of visual and sound recording equipment, photoconductor manufacturers, empty cassette producers, which makes copies identical to the original, videos or fixing devices text and importers of such equipment, and by a natural or legal person who provides photocopying services, to author whose works may, due to

<sup>158</sup> Art. 106 read with Art. 1(b) (defining related rights).

<sup>159</sup> Art. 72(2).

	nature, be reproduced without authorization under Art. 72 <sup>160</sup>
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Provision	Art. 84
Scope of private/personal use	transform/change
Type(s) of source work(s)	works, [performances, phonographic recordings, films, broadcasts, publications, databases] <sup>161</sup>
Entity exercising private/personal use	
Purpose of private/personal use	a private transformation or an internal transformation / change that is not intended / intended and is not intended to be made available to the public
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("without remuneration")

### 3. Quotations

Provision	Art. 81
Scope of quotation	abbreviations, excerpts of excerpts or parts
Type(s) of source work(s)	a work of copyright, [performance, phonographic recording, film, broadcast, publication, database] <sup>162</sup> published or made available to the public in a manner lawfully reproduced, published, transmitted to the public
Entity exercising quotation	
Purpose of quotation	scientific research, teaching, critical studies, illustration, justification, reference or review
Condition of quotation	use is consistent with fair practice and to the extent required for the concrete purpose required to be achieved
Preclusions (not part of quotation)	acts do not prejudice the commercial exploitation of the work
Subject to Attribution	source, author, publisher, translator (if translation)
Subject to Remuneration	not required ("without remuneration")

Provision	Art. 84
Scope of quotation	transform/change
Type(s) of source work(s)	works, [performances, phonographic recordings, films, broadcasts, publications, databases] <sup>163</sup>
Entity exercising quotation	

<sup>160</sup> Art. 31.

<sup>161</sup> Art. 106 read with Art. 1(b) (defining related rights).

<sup>162</sup> Art. 106 read with Art. 1(b) (defining related rights).

<sup>163</sup> Art. 106 read with Art. 1(b) (defining related rights).



Purpose of quotation	transformation / change is a short review of works for didactic purposes
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	author
Subject to Remuneration	not required ("without remuneration")

#### 4. Research/Educational Reproduction

Provision	Art. 75
Scope of research/educational reproduction	reproduce
Type(s) of source work(s)	a work, [performance, phonographic recording, film, broadcast, publication, database] <sup>164</sup> from their copy
Entity exercising reproduction	public archives, national libraries, educational and scientific institutions, pre-school educational institutions and social institutions (charities) that have no direct or indirect economic benefits
Purpose of educational reproduction	for internal use
Condition of reproduction	reproduce by any means
Frequency/copies and limits	no more than one copy
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 76
Scope of anthologies/compilations limitation/exception	reproduce on paper or in any other similar manner and to be transmitted to the public in special pieces, in the form of a summary, which contains works, contributions or other materials of various authors
Type(s) of source work(s)	legally published works or integral shorts of works from the field of science, literature and music, as well as individual works of visual arts, architecture, applied arts, subject to article 8 of this law, photographic or cartographic works and presentations of a scientific and technical nature, [performances, phonographic recordings, films, broadcasts, publications, databases] <sup>165</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	by content and placement, [summaries] are exclusively related to teaching or research
Condition of anthologies/compilations limitation/exception	

<sup>164</sup> Art. 106 read with Art. 1(b) (defining related rights).

<sup>165</sup> Art. 106 read with Art. 1(b) (defining related rights).

Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (unless prohibited)
Subject to Remuneration	fair remuneration for the reproduction and public tracking of their works due to authors of the works, contributions or other materials included in the summary

6. School Performances

Provision	Art. 79
Scope of school performance	presented or displayed in public
Type(s) of source work(s)	a work, [performance, phonographic recording, film, broadcast, publication, database] <sup>166</sup>
Entity exercising school performance	
Purpose of school performance	in the direct form of instruction or in school activities
Condition of school performance	to the extent justified for these purposes of education  act is not used for economic or commercial gains by the educational institution, organizers and third persons  performers receive no reward for their performance  tickets are free of charge
Preclusions (not part of school performance)	
Subject to Attribution	source, author (if possible)
Subject to Remuneration	not required ("without remuneration")

7. Educational Broadcasts/Communications/Recordings8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 87
Scope of TPM/RMI restriction	author and others [who applied technological measures] to work obliged to provide special measures or enter into contacts, failing which beneficiary may take legal action or request a negotiation procedure
Type(s) of source work(s)	work upon which technological measures have been applied, excepting those works made available to public under contractual terms agreed upon in such a way that members of the

<sup>166</sup> Art. 106 read with Art. 1(b) (defining related rights).

	public may use them by a place and at a certain time individually from them
Beneficiary exercising restriction	beneficiary of an exception or limitation such as private and personal use (Art. 72), reprographic reproduction by libraries and educational and scientific institutions (Arts. 73, 75), summaries for teaching or research purposes (Art. 76)
Purpose of restriction	to enable beneficiary users or their associations access to such works and use in accordance with copyright restrictions
Condition of restriction	

## Algeria

### 1. Treaties & Legislation

Treaties:

Berne Convention: April 19, 1998 (Paris Act (1971): April 19, 1998)

WIPO Copyright Treaty: January 31, 2014

WIPO Performances and Phonograms Treaty: January 31, 2014

Legislation:

Order (Act) No. 03-05 dated 19 Jumada I, 1424 corresponding to July 19, 2003 related to Copyrights and Neighboring Rights

### 2. Private/Personal Use

Provision	Art. 41
Scope of private/personal use	reproduce, translate, quote, convert
Type(s) of source work(s)	work, (audio or audio-video recordings of a work) <sup>167</sup>
Entity exercising private/personal use	
Purpose of private/personal use	for personal or family use
Condition of private/personal use	
Frequency/copies and limits	one copy
Preclusions (not part of private/personal use)	architectural works embodied in buildings or similar forms, written reproduction of a whole book, musical work in written form, a database in digital form, computer software <sup>168</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without prejudicing the provisions ... of this law")

Provision	Art. 124
Scope of private/personal use	reproduce copy on a magnetic medium that has not been used before
Type(s) of source work(s)	audio or audio-video recordings of a work
Entity exercising private/personal use	
Purpose of private/personal use	for personal use
Condition of private/personal use	a special copy
Frequency/copies and limits	one copy
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	"special copy royalty" payable by manufacturer/importer of magnetic tapes or unused other media and recording devices to

<sup>167</sup> Art. 121 (applying the exceptions in Arts. 41-53 to audio or audio-video recordings of a work). Note the application of Art. 124 to reproductions of audio or audio-video recordings of a work onto magnetic media.

<sup>168</sup> Art. 52 (excepting using computer software and for archival purposes).

	National Bureau of Copyrights and Neighbouring Rights to author/composer, performer/musician, producer of audio/audio-video recordings <sup>169</sup>
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Provision	Art. 44
Scope of private/personal use	acting or performing of a work
Type(s) of source work(s)	work, (audio or audio-video recordings of a work) <sup>170</sup>
Entity exercising private/personal use	
Purpose of private/personal use	family circle
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("is legal")

### 3. Quotations

Provision	Art. 43
Scope of quotation	use of decorative or illustrative drawing, in a publication, in an audio or audio video recording or in audio or audio video programs
Type(s) of source work(s)	literary or artistic work, (audio or audio-video recordings of a work) <sup>171</sup>
Entity exercising quotation	
Purpose of quotation	for teaching or professional training, if intended to achieve the targeted purpose
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author (in accordance with ethics and practices of the profession)
Subject to Remuneration	not required ("is legal")

### 4. Research/Educational Reproduction

### 5. Educational Publications/Anthologies/Compilations/Composite Works

### 6. School Performances

Provision	Art. 44
Scope of school performance	acting or performing of a work
Type(s) of source work(s)	work, (audio or audio-video recordings of a work) <sup>172</sup>

<sup>169</sup> Arts. 124-129 (providing the distribution of royalties as follows: author/composer (30%), performer/musician (20%), producer of audio or audio-video recordings (20%), activity of promoting intellectual works creation and protecting traditional cultural heritage (30%)).

<sup>170</sup> Art. 121 (applying the exceptions in Arts. 41-53 to audio or audio-video recordings of a work).

<sup>171</sup> Art. 121 (applying the exceptions in Arts. 41-53 to audio or audio-video recordings of a work).

<sup>172</sup> Art. 121 (applying the exceptions in Arts. 41-53 to audio or audio-video recordings of a work).

Entity exercising school performance	
Purpose of school performance	for educational and training purposes to meet pure pedagogical needs
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("is legal")

7. Educational Broadcasts/Communications/Recordings8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 33
Nature of compulsory licence for translation for educational purposes	non-exclusive compulsory licence, for translation for written publication or audio or audio-visual radio broadcasting in Algeria
Scope of compulsory licence for digital copying and dissemination	digital reproduction <sup>173</sup> probably digital publication <sup>174</sup> probably no digital dissemination <sup>175</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration renewed and effective until Oct 10, 2024
Type(s) of source work(s)	any literary or artistic work produced in a printed, audio, audio-visual or any other form, and prepared for school or university education
Licence applicant/entity	
Purpose of licence	
Condition of licence	written publication or broadcast has not been previously translated into national language and offered or conveyed to public in Algeria within 1 year from first publication  no licence granted if right owner or representative offers the translation of work in question for public in Algeria in accordance with same conditions, price and form submitted by licence applicant <sup>176</sup>  subject to licensee's sale of existing copies, licence nullified if right owner is publishing or has permitted the publishing of translated work under the same conditions, display, form and

<sup>173</sup> Art. 27 (defining reproduction as one "by any means whatsoever").

<sup>174</sup> Art. 33 uses the term "written publication", and it appears to have been accepted that digital records are "written records". See Art. 4.a (defining "computer software" as "written literary works").

<sup>175</sup> See Art. 27 (defining material rights as conveying a work to the public by public representation or performance, audio or audio-visual radio broadcasting; conveying the broadcasting work via wire media, optical fibers, cabling or any other medium, via wireless diffusion by another facility other than the original broadcasting facility, via loudspeaker, radio, or TV placed in an open setting, or any information processing system). No broad "communication to the public" or "making available" right has been defined, and Art. 33 makes no reference to them.

<sup>176</sup> Art. 37.

	content or for a price similar to licensee's edition <sup>177</sup>
Compulsory licence fee(s)	beneficiary of compulsory licence to pay a fair reward to the right owner <sup>178</sup>
Price of publication	
Distribution conditions	licence shall be limited to the national territory of Algeria but national bodies providing a public service may send and distribute copies of the work produced under such a compulsory licence to citizens domiciled abroad subject to the international obligations of Algeria <sup>179</sup>
Grantor of compulsory licence	National Bureau of Copyrights & Neighboring Rights

Provision	Art. 33
Nature of compulsory licence for reproduction for educational purposes	non-exclusive compulsory licence, for reproduction and publication in Algeria <sup>180</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction <sup>181</sup> probably digital publication <sup>182</sup> probably no digital dissemination <sup>183</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration renewed and effective until Oct 10, 2024
Type(s) of source work(s)	scientific, fictional or any other work
Licence applicant/entity	
Purpose of licence	produce literary or artistic work in printed, audio, audio-visual or other form, prepared for school or university education
Condition of licence	for scientific work, no previous publication in Algeria within 3 years from first publication for fictional work, no previous publication in Algeria within 7 years from first publication for any other work, no previous publication in Algeria within 5 years from first publication  no licence granted if right owner or representative offers the reproduction of work in question for public in Algeria in accordance with

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<sup>177</sup> Art. 40.

<sup>178</sup> Art. 39.

<sup>179</sup> Art. 38.

<sup>180</sup> However, national bodies providing a public service may send and distribute copies of the work produced under such a compulsory licence to citizens domiciled abroad subject to the international obligations of Algeria. Art. 38.

<sup>181</sup> Art. 27 (defining reproduction as one "by any means whatsoever").

<sup>182</sup> Art. 33 uses the term "written publication", and it appears to have been accepted that digital records are "written records". See Art. 4.a (defining "computer software" as "written literary works").

<sup>183</sup> See Art. 27 (defining material rights as conveying a work to the public by public representation or performance, audio or audio-visual radio broadcasting; conveying the broadcasting work via wire media, optical fibers, cabling or any other medium, via wireless diffusion by another facility other than the original broadcasting facility, via loudspeaker, radio, or TV placed in an open setting, or any information processing system). No broad "communication to the public" or "making available" right has been defined, and Art. 33 makes no reference to them.

	<p>same conditions, price and form submitted by licence applicant<sup>184</sup></p> <p>subject to licensee's sale of existing copies, licence nullified if right owner is publishing or has permitted the publishing of work under the same conditions, display, form and content or for a price similar to licensee's edition<sup>185</sup></p>
Compulsory licence fee(s)	beneficiary of compulsory licence to pay a fair reward to the right owner <sup>186</sup>
Price of publication	price equivalent to price applicable by national publishers
Distribution conditions	<p>licence shall be limited to the national territory of Algeria</p> <p>but national bodies providing a public service may send and distribute copies of the work produced under such a compulsory licence to citizens domiciled abroad subject to the international obligations of Algeria<sup>187</sup></p>
Grantor of compulsory licence	National Bureau of Copyrights & Neighboring Rights

9. TPM/RMI Exceptions for Educational Purposes

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<sup>184</sup> Art. 37.

<sup>185</sup> Art. 40.

<sup>186</sup> Art. 39.

<sup>187</sup> Art. 38.



## Andorra

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 2, 2004 (Paris Act (1971): June 2, 2004)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law on Copyright and Neighboring Rights 1999

### 2. Private/Personal Use

Provision	Art. 7
Scope of private/personal use	private reproduction
Type(s) of source work(s)	a published work (includes an audiovisual work or a work embodied in a phonogram)
Entity exercising private/personal use	physical person
Purpose of private/personal use	exclusively for his own private and personal use, including such use within the normal circle of his family and its social acquaintances
Condition of private/personal use	
Frequency/copies and limits	a single copy
Preclusions (not part of private/personal use)	reproduction of architectural works embodied in buildings or other construction, reprographic reproduction of a whole book or a substantial part thereof, or a musical work in graphic form, reproduction of an electronic database (except as provided in Art. 14) <sup>188</sup> , reproduction of computer software (except as provided by Art. 12, 13) <sup>189</sup> , reproduction of any work where reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author of, or other copyright owner in, the work <sup>190</sup>  usage does not prejudice the copyright or the right holders rights on the work (reproduction does not prejudice the commercial exploitation of the work)
Subject to Attribution	

<sup>188</sup> These are for acts done by the lawful user of a database that are necessary for access to the contents of the database and for normal use by the lawful user.

<sup>189</sup> These are for, inter alia, use of the computer program, for backing up a copy of the software, for observation, study or testing, and for decompilation for interoperability purposes.

<sup>190</sup> Art. 7(2)(e). This is not a standalone condition to all private reproductions for personal purposes but one of the exceptions to the private and personal use exception.

Subject to Remuneration	equitable remuneration payable by manufacturer/importer of equipment/material normally used for private reproduction for personal purposes to CMO, to be distributed to authors, performers and phonogram producers <sup>191</sup>
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Provision	Art. 32(1)(a)
Scope of private/personal use	use
Type(s) of source work(s)	performance, phonogram and broadcast
Entity exercising private/personal use	physical person
Purpose of private/personal use	exclusively for own personal purposes
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	(for reproduction of performances fixed in phonograms and phonograms) equitable remuneration payable by manufacturer/importer of equipment/material normally used for private reproduction for personal purposes to CMO, to be distributed to authors, performers and phonogram producers <sup>192</sup>

### 3. Quotations

Provision	Art. 8
Scope of quotation	reproduction, in the form of quotation, in another work
Type(s) of source work(s)	a short part of a published work, (performance, phonogram and broadcast) <sup>193</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	such a reproduction is compatible with fair practice  extent does not exceed the extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("permitted without authorization")

### 4. Research/Educational Reproduction

Provision	Art. 9(1)(a)
Scope of research/educational reproduction	reproduction, by way of illustration

<sup>191</sup> See also Art. 32(1)(a) read with Art. 32(2).

<sup>192</sup> Art. 32(1)(a) read with Art. 32(2).

<sup>193</sup> Art. 32(1)(d) (applying limitations and exceptions in Chapter II to neighbouring rights).

Type(s) of source work(s)	(in writings) a short part of a published work, sound or visual recordings
Entity exercising reproduction	
Purpose of educational reproduction	for teaching
Condition of reproduction	compatible with fair practice
Frequency/copies and limits	extent does not exceed the extent justified by the purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (as far as practicable) <sup>194</sup>
Subject to Remuneration	not required ("without authorization of author/owner")
Provision	Art. 9(1)(b)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	a published article or other short work or short extract of a writing, with or without illustrations
Entity exercising reproduction	
Purpose of educational reproduction	face-to-face teaching in educational institutions
Condition of reproduction	activities do not serve direct or indirect commercial gain
Frequency/copies and limits	to the extent justified by the purpose  act of reproduction is an isolated one occurring, if repeated, on separate and unrelated occasions
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (as far as practicable) <sup>195</sup>
Subject to Remuneration	not required ("without authorization of author/owner")

Provision	Art. 32(1)(c)
Scope of research/educational reproduction	use
Type(s) of source work(s)	performances, phonograms, broadcasts
Entity exercising reproduction	
Purpose of educational reproduction	solely for the purpose of face-to-face teaching or for scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (as far as practicable) <sup>196</sup>
Subject to Remuneration	not required ("shall not apply")

<sup>194</sup> Art. 9(2).<sup>195</sup> Art. 9(2).<sup>196</sup> Art. 9(2).

5. Educational Publications/Anthologies/Compilations/Composite Works
6. School Performances
7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Angola

### 1. Treaties & Legislation

Treaties:

Berne Convention: not a party

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law No. 4/90 of March 10, 1990, on Author's Rights

### 2. Private/Personal Use

Provision	Art. 29(a)
Scope of private/personal use	performance, cinematographic projection and communication
Type(s) of source work(s)	recorded or broadcast works already disclosed lawfully
Entity exercising private/personal use	
Purpose of private/personal use	in private premises
Condition of private/personal use	without payment of entrance charges
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	title, author
Subject to Remuneration	not required ("lawfully be permitted", "without authorization of author")

Provision	Art. 29(d)
Scope of private/personal use	reproduction, translation, adaptation, arrangement or any other transformation
Type(s) of source work(s)	works already disclosed lawfully
Entity exercising private/personal use	
Purpose of private/personal use	exclusively individual and private purposes
Condition of private/personal use	work is respected
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	title, author
Subject to Remuneration	not required ("lawfully be permitted", "without authorization of author")

### 3. Quotations

Provision	Art. 29(e)
Scope of quotation	quotation, in written, sound or visual form
Type(s) of source work(s)	short fragments of works of others
Entity exercising quotation	

Purpose of quotation	justified by scientific, critical, didactic or informatory purposes
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	title, author
Subject to Remuneration	not required (“lawfully be permitted”, “without authorization of author”)

#### 4. Research/Educational Reproduction

Provision	Art. 29(b)
Scope of research/educational reproduction	reproduction by photographic processes or processes analogous to photography
Type(s) of source work(s)	short works or extracts of works, already disclosed lawfully
Entity exercising reproduction	[inter alia] scientific institutions, teaching establishments
Purpose of educational reproduction	
Condition of reproduction	
Frequency/copies and limits	number of copies made does not exceed the requirements to be met by those copies
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	title, author
Subject to Remuneration	not required (“lawfully be permitted”, “without authorization of author”)

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

##### 6. School Performances

Provision	Art. 29(a)
Scope of school performance	performance, cinematographic projection
Type(s) of source work(s)	recorded or broadcast works already disclosed lawfully
Entity exercising school performance	
Purpose of school performance	for purely didactic purposes in teaching establishments
Condition of school performance	where taking place, without payment of entrance charges and without a lucrative purpose
Preclusions (not part of school performance)	
Subject to Attribution	title, author
Subject to Remuneration	not required (“lawfully be permitted”, “without authorization of author”)

##### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 29(a)
Scope of broadcast/communication/recording	communication

Type(s) of source work(s)	recorded or broadcast works already disclosed lawfully
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for purely didactic purposes in teaching establishments
Condition of broadcast/communication/recording	where taking place, without payment of entrance charges and without a lucrative purpose
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	title, author
Subject to Remuneration	not required ("lawfully be permitted", "without authorization of author")

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 30
Nature of compulsory licence for translation for educational purposes	non-exclusive compulsory licence, for translation and publication in Portuguese or in one of the national languages in Angola <sup>197</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction <sup>198</sup> digital publication <sup>199</sup> no digital dissemination <sup>200</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	work already lawfully disclosed and which author has not withdrawn from publication
Licence applicant/entity	
Purpose of licence	for teaching or scientific research exclusively
Condition of licence	publication has not been previously translated and published within 3 years from first publication  licensee had not been able to obtain authorization from owner for rights to translation and publication
Compulsory licence fee(s)	fair and equitable remuneration, transferred in convertible currency, paid to owner of rights of translation, publication, in accordance with international usage
Price of publication	

<sup>197</sup> Licence may also be granted, for the sole purpose referred to in Art. 30, to a sound or visual broadcasting organization having its headquarters in Angola on condition that the translation and reproduction is effected from lawfully made copies. See Art. 30(2).

<sup>198</sup> Art. 4(i) (defining "reproduction" as the making of one or more copies of a literary, artistic or scientific work in any material form whatsoever including any sound or visual recording).

<sup>199</sup> Art. 4(a) (defining "published work" as a work published with the consent of its author, whatever the mode of manufacture of the copies, where, taking into account the nature of the work, the number of copies made available to the public adequately satisfies the needs of the public); Art. 4(i) (defining "reproduction" as the making of one or more copies of a literary, artistic or scientific work in any material form whatsoever including any sound or visual recording). See also Art. 17(1)(a) (defining as separate exclusive economic rights, the right to publish, reproduce or communicate a work to the public by any means).

<sup>200</sup> No reference in Art. 30 to the exclusive right of "communication to the public". See Art. 4(h) (defining "communication to the public" as "the act by which a work is made available to the public")

Distribution conditions	copies of translated work may be distributed on Angolan territory exclusively, except for copies that may be exported, within strictly necessary limits and with the express prohibition of marketing them, for Angolan nationals, or of organizations of Angolan nationals, residing abroad
Grantor of compulsory licence	State Secretariat for Culture

Provision	Art.30
Nature of compulsory licence for reproduction for educational purposes	non-exclusive compulsory licence, for reproducing a work <sup>201</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction <sup>202</sup> digital publication <sup>203</sup> no digital dissemination <sup>204</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	work already lawfully disclosed and which author has not withdrawn from publication
Licence applicant/entity	
Purpose of licence	produce literary or artistic work in printed, audio, audio-visual or other form, prepared for school or university education
Condition of licence	copies of reproduction have been exhausted within 3 years from first publication licensee had not been able to obtain authorization from owner for rights to reproduce work
Compulsory licence fee(s)	fair and equitable remuneration, transferred in convertible currency, paid to owner of rights of translation, publication, in accordance with international usage
Price of publication	
Distribution conditions	copies may be distributed on Angolan territory exclusively, except for copies that may be exported, within strictly necessary limits and with the express prohibition of marketing them, for Angolan nationals, or of organizations of Angolan nationals, residing abroad
Grantor of compulsory licence	National Bureau of Copyrights & Neighboring Rights

<sup>201</sup> Licence may also be granted, for the sole purpose referred to in Art. 30, to a sound or visual broadcasting organization having its headquarters in Angola on condition that the translation and reproduction is effected from lawfully made copies. See Art. 30(2).

<sup>202</sup> Art. 4(i) (defining "reproduction" as the making of one or more copies of a literary, artistic or scientific work in any material form whatsoever including any sound or visual recording).

<sup>203</sup> Art. 4(a) (defining "published work" as a work published with the consent of its author, whatever the mode of manufacture of the copies, where, taking into account the nature of the work, the number of copies made available to the public adequately satisfies the needs of the public); Art. 4(i) (defining "reproduction" as the making of one or more copies of a literary, artistic or scientific work in any material form whatsoever including any sound or visual recording). See also Art. 17(1)(a) (defining as separate exclusive economic rights, the right to publish, reproduce or communicate a work to the public by any means).

<sup>204</sup> No reference in Art. 30 to the exclusive right of "communication to the public". See Art. 4(h) (defining "communication to the public" as "the act by which a work is made available to the public")



9. TPM/RMI Exceptions for Educational Purposes

## Antigua and Barbuda

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 17, 2000 (Paris Act (1971): March 17, 2000)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act 2003

### 2. Private/Personal Use

Provision	ss 52, 54
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a literary, dramatic, musical or artistic work
Entity exercising private/personal use	
Purpose of private/personal use	for purposes of research or private study
Condition of private/personal use	to determine if act done in relation to a work constitutes fair dealing, court shall take account of all factors which appear to it to be relevant, including: (a) the nature of the work in question; (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work; (c) the purpose and character of the use; and (d) the effect of the act upon the potential market for, or the commercial value of, the work.
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

### 3. Quotations

Provision	ss 53, 54
Scope of quotation	fair dealing
Type(s) of source work(s)	a protected work
Entity exercising quotation	
Purpose of quotation	for purposes of criticism or review of that work or of performance of a work
Condition of quotation	to determine if act done in relation to a work constitutes fair dealing, court shall take account of all factors which appear to it to be relevant, including: (a) the nature of the work in question;

	(b) the amount and substantiality of that part of the work affected by the act in relation to the whole of the work; (c) the purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes; and (d) the effect of the act upon the potential market for, or the commercial value of, the work. <sup>205</sup>
Preclusions (not part of quotation)	
Subject to Attribution	title (or other description), author (unless anonymous or author agreed that no acknowledgement be made, or not possible to ascertain identity for unpublished work) <sup>206</sup>
Subject to Remuneration	not required ("does not infringe copyright")

#### 4. Research/Educational Reproduction

Provision	s 56(1)
Scope of research/educational reproduction	copying (not by means of a reprographic process)
Type(s) of source work(s)	literary, dramatic, musical or artistic work
Entity exercising reproduction	a person giving or receiving instruction
Purpose of educational reproduction	in the course of instruction or of preparation for instruction
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>207</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("is not infringed")

Provision	s 56(3)
Scope of research/educational reproduction	anything done
Type(s) of source work(s)	a work
Entity exercising reproduction	
Purpose of educational reproduction	an examination by way of setting the questions, communicating the questions to candidates or answering the questions
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>208</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	

<sup>205</sup> S 60.

<sup>206</sup> S 51 (defining "sufficient acknowledgment").

<sup>207</sup> S 60.

<sup>208</sup> S 60.

Subject to Remuneration	not required ("is not infringed")
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Provision	s 59
Scope of research/educational reproduction	reprographic copies <sup>209</sup>
Type(s) of source work(s)	passages from published literary, dramatic or musical works
Entity exercising reproduction	by or on behalf of an educational establishment
Purpose of educational reproduction	instruction
Condition of reproduction	no copying if, or to extent that, licences are available authorizing copying and person making copies knows or ought to have been aware of licences  any term of a licence granted 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 <sup>210</sup>
Frequency/copies and limits	not more than 5% of any work in any quarter of the year  reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>211</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without infringing any copyright")

Provision	s 118(1)
Scope of research/educational reproduction	copying
Type(s) of source work(s)	a recording of a performance
Entity exercising reproduction	a person giving or receiving instruction
Purpose of educational reproduction	in the course of instruction, or of preparation for instruction, in the making of filmis or film sound-tracks
Condition of reproduction	
Frequency/copies and limits	copies of recording made shall not be sold, let for hire, or offered or exposed for sale or hire <sup>212</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("rights ... are not infringed")

<sup>209</sup> S 2(1) (defining "reprographic process" as a process (a) for making facsimile copies, or (b) involving the use of an appliance for making multiple copies, and, in relation to a work held in electronic form, includes any copying by electronic means, but does not include the making of a film or sound recording).

<sup>210</sup> S 59(4).

<sup>211</sup> S 60.

<sup>212</sup> S 118(3).

Provision	s 118(2)
Scope of research/educational reproduction	copying
Type(s) of source work(s)	a recording of a performance
Entity exercising reproduction	
Purpose of educational reproduction	for the purposes of setting or answering the questions in an examination, or by anything done for the purposes of an examination by way of communicating the questions to the candidates
Condition of reproduction	
Frequency/copies and limits	copies of recording made shall not be sold, let for hire, or offered or exposed for sale or hire <sup>213</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("rights ... are not infringed")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 57
Scope of anthologies/compilations limitation/exception	inclusion in collection
Type(s) of source work(s)	a short passage of a published literary or dramatic work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for use in educational establishments
Purpose of anthologies/compilations limitation/exception	collection to be described and advised as being for use in educational establishments  work was not itself published for use of educational establishments  collection consists mainly of material in which no copyright subsists
Frequency/copies and limits	no more than 2 extracts from works by same author <sup>214</sup> are contained in collections by same publisher within 5 year period <sup>215</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	inclusion accompanied by sufficient acknowledgment
Subject to Remuneration	not required ("does not infringe copyright")

<sup>213</sup> S 118(3).

<sup>214</sup> S 57(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion).

<sup>215</sup> S 44(2).

**6. School Performances**

Provision	ss 79, 123 <sup>216</sup>
Scope of school performance	playing
Type(s) of source work(s)	a sound recording
Entity exercising school performance	a club, society or other organization not established or conducted for profit and its objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare
Purpose of school performance	as part of the activities of, or for the benefit of
Condition of school performance	proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of copyright/any [neighbouring] right")

**7. Educational Broadcasts/Communications/Recordings**

Provision	ss 58, 119 <sup>217</sup>
Scope of broadcast/communication/recording	recording
Type(s) of source work(s)	broadcast or cable programme or copy of such a recording
Entity exercising broadcast/communication/recording	by or on behalf of educational establishment
Purpose of broadcast/communication/recording	for educational purposes of educational establishment
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	recording of broadcast or cable programme cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>218</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("without infringing any copyright/[neighbouring] rights")

Provision	s 56(2)
Scope of broadcast/communication/recording	making a film or film sound-track

<sup>216</sup> S 79 exempts from infringement the copyright in the sound recording; s 123 exempts from infringement the rights of performance and recording.

<sup>217</sup> S 58 exempts from infringement the copyright in the broadcast or cable programme and any work included in it; s 119 exempts from infringement the rights of performance and recording.

<sup>218</sup> S 119(2) read with s 118(4).

Type(s) of source work(s)	sound recording, film, broadcast or cable programme
Entity exercising broadcast/communication/recording	a person giving or receiving instruction
Purpose of broadcast/communication/recording	in the course of instruction or of preparation for instruction, in the making of films or film sound-tracks
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>219</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("is not infringed")

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

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<sup>219</sup> S 60.

## Argentina

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 10, 1967 (Paris Act (1971): October 8, 1980)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

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)

### 2. Private/Personal Use

### 3. Quotations

Provision	Art. 10
Scope of quotation	publish comments, criticisms or referring notes
Type(s) of source work(s)	intellectual works
Entity exercising quotation	any person
Purpose of quotation	for didactic or scientific purposes
Condition of quotation	including up to 1,000 words for literary or scientific works, or eight bars in musical works and, in all cases, only the parts of the text essential for that purpose
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	where "inclusions from works by other people are the main part of the new work": equitable remuneration fixed by courts, in proportional amount to holders of rights in included works

### 4. Research/Educational Reproduction

### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 10
Scope of anthologies/compilations limitation/exception	publish educational and teaching works, collections, anthologies and other similar works
Type(s) of source work(s)	intellectual works
Entity exercising anthologies/compilations limitation/exception	any person
Purpose of anthologies/compilations limitation/exception	for didactic or scientific purposes
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	including up to 1,000 words for literary or scientific works, or eight bars in musical works and, in all cases, only the parts of the text essential for that purpose



Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	
Subject to Remuneration	where “inclusions from works by other people are the main part of the new work”: equitable remuneration fixed by courts, in proportional amount to holders of rights in included works

## 6. School Performances

Provision	Art. 36
Scope of school performance	recital and public performance, in public acts
Type(s) of source work(s)	literary or artistic works that are already published
Entity exercising school performance	organized by educational institutions
Purpose of school performance	for educational and training purposes to meet pure pedagogical needs, or linked with the fulfillment of their educational purposes
Condition of school performance	event in question is not broadcast outside the place where it occurs  performers gather and perform free of charge
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required (“exempt from payment of copyrights and performers’ rights”)

## 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 36
Scope of broadcast/communication/recording	public broadcasting by any means of the recital and performance
Type(s) of source work(s)	literary or artistic works that are already published, in public acts
Entity exercising broadcast/communication/recording	organized by educational institutions
Purpose of broadcast/communication/recording	for educational and training purposes to meet pure pedagogical needs, or linked with the fulfillment of their educational purposes
Condition of broadcast/communication/recording	performers gather and perform free of charge
Frequency/limits of broadcast/communication/recording	event in question is not broadcast outside the place where it occurs
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required (“exempt from payment of copyrights and performers’ rights”)

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Armenia

### 1. Treaties & Legislation

Treaties:

Berne Convention: October 19, 2000 (Paris Act (1971): October 19, 2000)

WIPO Copyright Treaty: March 6, 2005

WIPO Performances and Phonograms Treaty: March 6, 2005

Legislation:

Law on 4 July 2006 No. 3R-142 on Copyright and Related Rights (as amended up to 30.09.2013)

### 2. Private/Personal Use

Provision	Art. 23
Scope of private/personal use	reproduction
Type(s) of source work(s)	a work lawfully made available to the public
Entity exercising private/personal use	
Purpose of private/personal use	exclusively for private non-commercial use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture and constructions of a similar structure, machine-readable databases or their substantial parts, computer programs, whole books and sheet music  does not prejudice the legitimate interests of the author/related rights holder <sup>220</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

Provision	Arts. 23, 53
Scope of private/personal use	use
Type(s) of source work(s)	a [performance, phonogram, film, broadcast] <sup>221</sup> lawfully made available to the public
Entity exercising private/personal use	
Purpose of private/personal use	exclusively for private non-commercial use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	use shall not conflict with the normal exploitation of the [performance, phonogram, film, broadcast]

<sup>220</sup> Art. 53.

<sup>221</sup> Art. 53.

	use shall not conflict with the normal exploitation of the works in the domain of science, literature and art included therein  does not prejudice the legitimate interests of the related rights holder <sup>222</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

Provision	Art. 24(3)(d)
Scope of private/personal use	reproduction by means of handwritten transcription
Type(s) of source work(s)	sheet music
Entity exercising private/personal use	
Purpose of private/personal use	
Condition of private/personal use	non-profit making purposes
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

Provision	Arts. 24(3)(d), 53
Scope of private/personal use	reproduction by means of handwritten transcription
Type(s) of source work(s)	sheet music [embedded within a [performance, phonogram, film, broadcast]] <sup>223</sup>
Entity exercising private/personal use	
Purpose of private/personal use	
Condition of private/personal use	non-profit making purposes
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	use shall not conflict with the normal exploitation of the [performance, phonogram, film, broadcast]  use shall not conflict with the normal exploitation of the works in the domain of science, literature and art included therein  does not prejudice the legitimate interests of the related rights holder <sup>224</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

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<sup>222</sup> Art. 53.

<sup>223</sup> Art. 53.

<sup>224</sup> Art. 53.

3. Quotations

Provision	Art. 22(2)(a)
Scope of quotation	quotation, in original language or in translation
Type(s) of source work(s)	an extract of a work lawfully made available to the public, including extracts from articles of newspapers and magazines in the form of a press release
Entity exercising quotation	
Purpose of quotation	scientific, research, polemic, critical and informational purposes
Condition of quotation	to the extent justified by the purpose of the quotation
Preclusions (not part of quotation)	use does not conflict with a normal exploitation of the work and does not prejudice the legitimate interests of the author in connection with his work <sup>225</sup>
Subject to Attribution	source, author <sup>226</sup>
Subject to Remuneration	not required (“without remuneration”)

Provision	Arts. 22(2)(a), 53
Scope of quotation	quotation, in original language or in translation
Type(s) of source work(s)	an extract of a [performance, phonogram, film, broadcast] <sup>227</sup>
Entity exercising quotation	
Purpose of quotation	scientific, research, polemic, critical and informational purposes
Condition of quotation	to the extent justified by the purpose of the quotation
Preclusions (not part of quotation)	use shall not conflict with the normal exploitation of the [performance, phonogram, film, broadcast]  use shall not conflict with the normal exploitation of the works in the domain of science, literature and art included therein  does not prejudice the legitimate interests of the related rights holder <sup>228</sup>
Subject to Attribution	source, author <sup>229</sup>
Subject to Remuneration	not required (“without remuneration”)

4. Research/Educational Reproduction

Provision	Art. 22(2)(b)
Scope of research/educational reproduction	use and extracts, in publications, in broadcasts and in audio and video recordings

<sup>225</sup> Art. 22(1) (defining “free use”).<sup>226</sup> Art. 22(1) (defining “free use”).<sup>227</sup> Art. 53.<sup>228</sup> Art. 53.<sup>229</sup> Art. 22(1) (defining “free use”).

Type(s) of source work(s)	works of literature and art lawfully made available to the public
Entity exercising reproduction	
Purpose of educational reproduction	illustration for educational purposes
Condition of reproduction	
Frequency/copies and limits	extent justified by the purpose of illustration for educational purposes
Preclusions (not part of research/educational reproduction)	use does not conflict with a normal exploitation of the work and does not prejudice the legitimate interests of the author in connection with his work <sup>230</sup>
Subject to Attribution	source, author <sup>231</sup>
Subject to Remuneration	not required ("free use")

Provision	Arts. 22(2)(b), 53
Scope of research/educational reproduction	use and extracts, in publications, in broadcasts and in audio and video recordings
Type(s) of source work(s)	a [performance, phonogram, film, broadcast] <sup>232</sup>
Entity exercising reproduction	
Purpose of educational reproduction	illustration for educational purposes
Condition of reproduction	
Frequency/copies and limits	extent justified by the purpose of illustration for educational purposes
Preclusions (not part of research/educational reproduction)	use shall not conflict with the normal exploitation of the [performance, phonogram, film, broadcast]  use shall not conflict with the normal exploitation of the works in the domain of science, literature and art included therein  does not prejudice the legitimate interests of the related rights holder <sup>233</sup>
Subject to Attribution	source, author <sup>234</sup>
Subject to Remuneration	not required ("free use")

Provision	Art. 24(3)(a)
Scope of research/educational reproduction	reprographic reproduction <sup>235</sup>
Type(s) of source work(s)	a lawfully published work
Entity exercising reproduction	[inter alia] educational and cultural institutions
Purpose of educational reproduction	restoring or substituting lost or damaged copies, as well as, providing a copy of the work

<sup>230</sup> Art. 22(1) (defining "free use").

<sup>231</sup> Art. 22(1) (defining "free use").

<sup>232</sup> Art. 53.

<sup>233</sup> Art. 53.

<sup>234</sup> Art. 22(1) (defining "free use").

<sup>235</sup> Art. 24(1) (defining reprographic reproduction to mean the facsimile reproduction in one or more copies, in any dimension (enlarged or reduced) and in any form, of the original or the copy of a written or graphic work by means of photocopying or by similar technical means, except means connected with the application of printing type-faces).

	to other libraries in case of loss of a copy of the work at those libraries
Condition of reproduction	if in ordinary conditions it is impossible for them to obtain a copy in another way  non-profit making purposes <sup>236</sup>
Frequency/copies and limits	in one copy  reprographic reproduction shall not include the storage or reproduction of copies in electronic (including digital), optical or other machine-readable form <sup>237</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without the payment of remuneration")

Provision	Art. 24(3)(b)
Scope of research/educational reproduction	reprographic reproduction <sup>238</sup>
Type(s) of source work(s)	(a) independent articles and small-volume works lawfully published in collections, newspapers and other periodical publications (b) lawfully published written works, but not computer programs
Entity exercising reproduction	educational institutions
Purpose of educational reproduction	classroom use
Condition of reproduction	non-profit making purposes <sup>239</sup>
Frequency/copies and limits	(a): in one copy (b): short extracts  reprographic reproduction shall not include the storage or reproduction of copies in electronic (including digital), optical or other machine-readable form <sup>240</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without the payment of remuneration")

Provision	Art. 24(3)(c)
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<sup>236</sup> Art. 24(3).

<sup>237</sup> Art. 24(2).

<sup>238</sup> Art. 24(1) (defining reprographic reproduction to mean the facsimile reproduction in one or more copies, in any dimension (enlarged or reduced) and in any form, of the original or the copy of a written or graphic work by means of photocopying or by similar technical means, except means connected with the application of printing type-faces).

<sup>239</sup> Art. 24(3).

<sup>240</sup> Art. 24(2).

Scope of research/educational reproduction	reprographic reproduction <sup>241</sup>
Type(s) of source work(s)	a whole book
Entity exercising reproduction	
Purpose of educational reproduction	
Condition of reproduction	non-profit making purposes <sup>242</sup>  such a work is out of print for no less than 2 years
Frequency/copies and limits	a single copy  reprographic reproduction shall not include the storage or reproduction of copies in electronic (including digital), optical or other machine-readable form <sup>243</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without the payment of remuneration")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 22(2)(b)
Scope of anthologies/compilations limitation/exception	use in publications
Type(s) of source work(s)	extracts of works of literature and art lawfully made available to the public
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	illustration for educational purposes
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	extent justified by the purpose of illustration for educational purposes
Preclusions (not part of anthologies/compilations limitation/exception)	use does not conflict with a normal exploitation of the work and does not prejudice the legitimate interests of the author in connection with his work <sup>244</sup>
Subject to Attribution	source, author <sup>245</sup>
Subject to Remuneration	not required ("free use")

Provision	Arts. 22(2)(b), 53
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<sup>241</sup> Art. 24(1) (defining reprographic reproduction to mean the facsimile reproduction in one or more copies, in any dimension (enlarged or reduced) and in any form, of the original or the copy of a written or graphic work by means of photocopying or by similar technical means, except means connected with the application of printing type-faces).

<sup>242</sup> Art. 24(3).

<sup>243</sup> Art. 24(2).

<sup>244</sup> Art. 22(1) (defining "free use").

<sup>245</sup> Art. 22(1) (defining "free use").



Scope of anthologies/compilations limitation/exception	use in publications
Type(s) of source work(s)	extracts of a [performance, phonogram, film, broadcast] <sup>246</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	illustration for educational purposes
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	extent justified by the purpose of illustration for educational purposes
Preclusions (not part of anthologies/compilations limitation/exception)	use shall not conflict with the normal exploitation of the [performance, phonogram, film, broadcast]  use shall not conflict with the normal exploitation of the works in the domain of science, literature and art included therein  does not prejudice the legitimate interests of the related rights holder <sup>247</sup>
Subject to Attribution	source, author <sup>248</sup>
Subject to Remuneration	not required (“free use”)

## 6. School Performances

Provision	Art. 22(2)(g)
Scope of school performance	public performance
Type(s) of source work(s)	a musical work lawfully made public
Entity exercising school performance	educational institutions
Purpose of school performance	in the course of educational activities with the participation of teachers and students
Condition of school performance	audience is composed of teachers and students, as well as persons directly connected with the educational institution (parents, guardians, trustees, tutors)
Preclusions (not part of school performance)	use does not conflict with a normal exploitation of the work and does not prejudice the legitimate interests of the author in connection with his work <sup>249</sup>
Subject to Attribution	source, author (not obligatory)
Subject to Remuneration	not required (“free use”)

Provision	Arts. 22(2)(g), 53
Scope of school performance	public performance
Type(s) of source work(s)	a [performance, phonogram, film, broadcast] <sup>250</sup>

<sup>246</sup> Art. 53.

<sup>247</sup> Art. 53.

<sup>248</sup> Art. 22(1) (defining “free use”).

<sup>249</sup> Art. 22(1) (defining “free use”).

<sup>250</sup> Art. 53.

Entity exercising school performance	educational institutions
Purpose of school performance	in the course of educational activities with the participation of teachers and students
Condition of school performance	audience is composed of teachers and students, as well as persons directly connected with the educational institution (parents, guardians, trustees, tutors)
Preclusions (not part of school performance)	use shall not conflict with the normal exploitation of the [performance, phonogram, film, broadcast]  use shall not conflict with the normal exploitation of the works in the domain of science, literature and art included therein  does not prejudice the legitimate interests of the related rights holder <sup>251</sup>
Subject to Attribution	source, author (not obligatory)
Subject to Remuneration	not required ("free use")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 22(2)(b)
Scope of broadcast/communication/recording	use and extracts, in broadcasts and audio and video recordings
Type(s) of source work(s)	works of literature and art lawfully made available to the public
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	illustration for educational purposes
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	extent justified by the purpose of illustration for educational purposes
Preclusions (not part of broadcast/communication/recording)	use does not conflict with a normal exploitation of the work and does not prejudice the legitimate interests of the author in connection with his work <sup>252</sup>
Subject to Attribution	source, author <sup>253</sup>
Subject to Remuneration	not required ("free use")

Provision	Arts. 22(2)(b), 53
Scope of broadcast/communication/recording	use and extracts, in broadcasts and audio and video recordings
Type(s) of source work(s)	a [performance, phonogram, film, broadcast] <sup>254</sup>

<sup>251</sup> Art. 53.

<sup>252</sup> Art. 22(1) (defining "free use").

<sup>253</sup> Art. 22(1) (defining "free use").

<sup>254</sup> Art. 53.

Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	illustration for educational purposes
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	extent justified by the purpose of illustration for educational purposes
Preclusions (not part of broadcast/communication/recording)	<p>use shall not conflict with the normal exploitation of the [performance, phonogram, film, broadcast]</p> <p>use shall not conflict with the normal exploitation of the works in the domain of science, literature and art included therein</p> <p>does not prejudice the legitimate interests of the related rights holder<sup>255</sup></p>
Subject to Attribution	source, author <sup>256</sup>
Subject to Remuneration	not required ("free use")

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

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<sup>255</sup> Art. 53.

<sup>256</sup> Art. 22(1) (defining "free use").

## Australia

### 1. Treaties & Legislation

Treaties:

Berne Convention: April 14, 1928 (Paris Act (1971): March 1, 1978)

WIPO Copyright Treaty: July 26, 2007

WIPO Performances and Phonograms Treaty: July 26, 2007

Legislation:

Copyright Act 1968 (consolidated as of June 27, 2015)

### 2. Private/Personal Use

Provision	ss 40, 103C
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, or adaptation of a literary, dramatic or musical work, or "audio-visual item" <sup>257</sup>
Entity exercising private/personal use	
Purpose of private/personal use	for purposes of research or study <sup>258</sup>
Condition of private/personal use	to determine if a dealing with a work constitutes fair dealing, the matters to have regard include: (a) the purpose and character of the dealing; (b) the nature of the work/adaptation/audio-visual item in question; (c) the possibility of obtaining the work/adaptation/audio-visual item within a reasonable time at an ordinary commercial price; (d) the effect of the dealing upon the potential market for, or value of, the work/adaptation/audio-visual item; (e) the amount and substantiality of the part copied taken in relation to the whole work/adaptation/audio-visual item – in a case where part only of the work/adaptation/audio-visual item is reproduced; <sup>259</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement")

<sup>257</sup> S 100A (defining an "audio visual item" as a sound recording, a cinematograph film, a sound broadcast or a television broadcast).

<sup>258</sup> Ss 40, 103C.

<sup>259</sup> Ss 40, 103C, 248(1A).

Provision	s 248A (“exempt recording”: definition para. (a))
Scope of private/personal use	making an indirect <sup>260</sup> cinematographic film
Type(s) of source work(s)	a performance <sup>261</sup> [as an “exempt recording” <sup>262</sup> ]
Entity exercising private/personal use	
Purpose of private/personal use	private and domestic use of person who made film
Condition of private/personal use	film or copy ceases to be “exempt recording” if it is used for any other purpose without the authority of the performer <sup>263</sup>
Frequency/copies and limits	film is not taken to have been made for private and domestic use of person who made it if made for purpose of sale, hire, trade, distribution, exhibiting in public, broadcasting or causing film to be seen or heard in public <sup>264</sup>
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required (“recording’ means a sound recording or cinematograph film, other than an exempt recording”)

Provision	s 248A (“exempt recording”: definition para. (aaa))
Scope of private/personal use	making an indirect <sup>265</sup> cinematographic film or sound recording
Type(s) of source work(s)	a communication that is a broadcast of a performance <sup>266</sup> [as an “exempt recording” <sup>267</sup> ]
Entity exercising private/personal use	
Purpose of private/personal use	solely for private and domestic use by watching or listening to the performance at a time more convenient than the time of broadcast
Condition of private/personal use	film or sound recording is made in domestic premises  film or copy ceases to be “exempt recording” if it is used for any other purpose without the authority of the performer <sup>268</sup>

<sup>260</sup> S 248A (defining “indirect recording” as a sound recording or cinematograph film made from a communication of a live performance).

<sup>261</sup> “Performance” excludes performance and communication of works or other subject-matter in the course of educational instruction under s 28. See s 248A(2)(a).

<sup>262</sup> S 248A (defining a “recording” of a performance as excluding an “exempt recording”).

<sup>263</sup> S 248C(2).

<sup>264</sup> S 248D.

<sup>265</sup> S 248A (defining “indirect recording” as a sound recording or cinematograph film made from a communication of a live performance).

<sup>266</sup> “Performance” excludes performance and communication of works or other subject-matter in the course of educational instruction under s 28. See s 248A(2)(a).

<sup>267</sup> S 248A (defining a “recording” of a performance as excluding an “exempt recording”).

<sup>268</sup> S 248C(1A), (2).

Frequency/copies and limits	film is not taken to have been made for private and domestic use of person who made it if made for purpose of sale, hire, trade, distribution, exhibiting in public, broadcasting or causing film to be seen or heard in public <sup>269</sup>
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required (“recording’ means a sound recording or cinematograph film, other than an exempt recording”)

Provision	s 248A (“exempt recording”: definition para. (aa))
Scope of private/personal use	fair dealing with an indirect <sup>270</sup> sound recording
Type(s) of source work(s)	a performance <sup>271</sup> [as an “exempt recording” <sup>272</sup> ]
Entity exercising private/personal use	
Purpose of private/personal use	research or study <sup>273</sup>
Condition of private/personal use	to determine if a recording constitutes fair dealing, the matters to have regard include: (a) the purpose and character of the recording; (b) the nature of the performance in question; (c) the possibility of obtaining the authorized recording within a reasonable time at an ordinary commercial price; (d) the effect of the dealing upon the potential market for, or value of, the authorized recording (of the performance); (e) the amount and substantiality of the part recorded taken in relation to the whole performance – in a case where part only of the performance is reproduced/recorded; <sup>274</sup>  sound recording or copy ceases to be “exempt recording” if it is used for any other purpose without the authority of the performer <sup>275</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required (“recording’ means a sound recording or cinematograph film, other than an exempt recording”)

<sup>269</sup> S 248D.

<sup>270</sup> S 248A (defining “indirect recording” as a sound recording or cinematograph film made from a communication of a live performance).

<sup>271</sup> “Performance” excludes performance and communication of works or other subject-matter in the course of educational instruction under s 28. See s 248A(2)(a).

<sup>272</sup> S 248A (defining a “recording” of a performance as excluding an “exempt recording”).

<sup>273</sup> S 248A (defining, in definition (aa), an “exempt recording” as one for purpose of research or study).

<sup>274</sup> S 248(1A).

<sup>275</sup> S 248C(1A).

Provision	s 40(3)
Scope of private/personal use	fair dealing by way of reproduction
Type(s) of source work(s)	all or part of a literary, dramatic or musical work, or of an adaptation of such a work, contained in an article in a periodical publication
Entity exercising private/personal use	
Purpose of private/personal use	for the purpose of research or study
Condition of private/personal use	“fair dealing” despite fair dealing factors <sup>276</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	another article in publication is also reproduced for purpose of different research or a different course of study <sup>277</sup>
Subject to Attribution	
Subject to Remuneration	not required (“not an infringement”)

Provision	s 40(5)
Scope of private/personal use	reproduction as fair dealing
Type(s) of source work(s)	- a literary, dramatic or musical work (except a computer program), or an adaptation of such a work, in a published edition of at least 10 pages - a published literary work in electronic form (except a computer program or an electronic compilation), a published dramatic work in electronic form or an adaptation in electronic form of such a literary or dramatic work such a work not contained in an article in a periodical publication
Entity exercising private/personal use	
Purpose of private/personal use	for the purpose of research or study
Condition of private/personal use	
Frequency/copies and limits	not more than a “reasonable portion” of [source work]; “reasonable portion” <sup>278</sup> means: - literary, dramatic or musical work (except a computer program), or an adaptation – 10% of number of pages in edition, or a single chapter if work/adaptation is divided into chapters - published literary/dramatic/adaptation in electronic form <sup>279</sup> – 10% of number of words, or a single chapter if work/adaptation is divided into chapters

<sup>276</sup> S 40(3) (starting with the expression “despite subsection (2)”, which sets out the fair dealing factors).

<sup>277</sup> S 40(4).

<sup>278</sup> S 40(5) uses the expression “despite subsection (2)”, which is intended to make clear that a reproduction of more than a “reasonable portion” of the works referred to in s 40(5) may still be considered a fair dealing for research or study under ss 40(1) and (2). See Copyright Amendment Bill 2006, Supplementary Explanatory Memorandum, para. 66, at [http://www.austlii.edu.au/au/legis/cth/bill\\_em/cab2006223/memo\\_1.html](http://www.austlii.edu.au/au/legis/cth/bill_em/cab2006223/memo_1.html).

<sup>279</sup> S 40(6) provides that if work exists in both electronic and non-electronic form, a fair dealing is a “reasonable portion” as long as the reproduction of it is a “reasonable portion” in either form. See Copyright Amendment Bill 2006, Supplementary Explanatory Memorandum, para. 67, at [http://www.austlii.edu.au/au/legis/cth/bill\\_em/cab2006223/memo\\_1.html](http://www.austlii.edu.au/au/legis/cth/bill_em/cab2006223/memo_1.html).

Preclusions (not part of private/personal use)	any subsequent reproduction made by same person of any other part of same work/adaptation <sup>280</sup>
Subject to Attribution	
Subject to Remuneration	not required (“not an infringement”)

### 3. Quotations

Provision	ss 41, 103A
Scope of quotation	fair dealing
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, or with an adaptation of a literary, dramatic or musical work, or with an audio-visual item
Entity exercising quotation	
Purpose of quotation	for the purpose of criticism or review, whether of that work/audio-visual item or of another work/audio-visual item
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	title of work/audio-visual item (or other description), author (unless work is anonymous, pseudonymous or author has previously agreed or directed that an acknowledgment is not to be made) <sup>281</sup>
Subject to Remuneration	not required (“not an infringement”)

Provision	s 248A (“exempt recording”: definition para. (f)(ii))
Scope of quotation	make a direct <sup>282</sup> or indirect <sup>283</sup> cinematograph film
Type(s) of source work(s)	a performance <sup>284</sup> [as an “exempt recording” <sup>285</sup> ]
Entity exercising quotation	
Purpose of quotation	criticism or review
Condition of quotation	film or copy ceases to be “exempt recording” if it is used for any other purpose without the authority of the performer <sup>286</sup>
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required (“recording” means a sound recording or cinematograph film, other than an exempt recording”)

<sup>280</sup> S 40(7).

<sup>281</sup> S 10(1) (defining “sufficient acknowledgment”).

<sup>282</sup> S 248A (defining “direct recording” as a sound recording or cinematograph film made directly from a live performance).

<sup>283</sup> S 248A (defining “indirect recording” as a sound recording or cinematograph film made from a communication of a live performance).

<sup>284</sup> “Performance” excludes performance and communication of works or other subject-matter in the course of educational instruction under s 28. See s 248A(2)(a).

<sup>285</sup> S 248A (defining a “recording” of a performance as excluding an “exempt recording”).

<sup>286</sup> S 248C(2).



Provision	s 248A (“exempt recording”: definition para. (fa)(i))
Scope of quotation	fair dealing with a direct <sup>287</sup> or indirect <sup>288</sup> sound recording
Type(s) of source work(s)	a performance <sup>289</sup> [as an “exempt recording” <sup>290</sup> ]
Entity exercising quotation	
Purpose of quotation	criticism or review, whether of that performance or another performance <sup>291</sup>
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required (“recording’ means a sound recording or cinematograph film, other than an exempt recording”)

#### 4. Research/Educational Reproduction

Provision	ss 40, 103C
Scope of research/educational reproduction	fair dealing
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, or adaptation of a literary, dramatic or musical work, or “audio-visual item” <sup>292</sup>
Entity exercising reproduction	
Purpose of educational reproduction	for purposes of research or study <sup>293</sup>
Condition of reproduction	in determining whether a dealing is fair dealing, the matters to have regard shall include: (a) the purpose and character of the dealing, including whether such dealing is of a commercial nature or is for non-profit educational purposes; (b) the nature of the work/adaptation/audio-visual item in question; (c) the amount and substantiality of the part copied taken in relation to the whole work/adaptation/audio-visual item; (d) the effect of the dealing upon the potential market for, or value of, the work/adaptation/audio-visual item; (e) the possibility of obtaining the work/adaptation/audio-visual item within a

<sup>287</sup> S 248A (defining “direct recording” as a sound recording or cinematograph film made directly from a live performance).

<sup>288</sup> S 248A (defining “indirect recording” as a sound recording or cinematograph film made from a communication of a live performance).

<sup>289</sup> “Performance” excludes performance and communication of works or other subject-matter in the course of educational instruction under s 28. See s 248A(2)(a).

<sup>290</sup> S 248A (defining a “recording” of a performance as excluding an “exempt recording”).

<sup>291</sup> S 248A (defining, in definition (aa), an “exempt recording” as one for purpose of research or study).

<sup>292</sup> S 100A (defining an “audio visual item” as a sound recording, a cinematograph film, a sound broadcast or a television broadcast).

<sup>293</sup> Ss 40, 103C.

	reasonable time at an ordinary commercial price <sup>294</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required (“not an infringement”)

Provision	s 248A (“exempt recording”: definition para. (aa))
Scope of research/educational reproduction	fair dealing with an indirect <sup>295</sup> sound recording
Type(s) of source work(s)	a performance <sup>296</sup> [as an “exempt recording” <sup>297</sup> ]
Entity exercising reproduction	
Purpose of educational reproduction	research or study <sup>298</sup>
Condition of reproduction	to determine if a recording constitutes fair dealing, the matters to have regard include: (a) the purpose and character of the recording; (b) the nature of the performance in question; (c) the possibility of obtaining the authorized recording within a reasonable time at an ordinary commercial price; (d) the effect of the dealing upon the potential market for, or value of, the authorized recording (of the performance); (e) the amount and substantiality of the part recorded taken in relation to the whole performance – in a case where part only of the performance is reproduced/recorded; <sup>299</sup>  sound recording or copy ceases to be “exempt recording” if it is used for any other purpose without the authority of the performer <sup>300</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required (“recording” means a sound recording or cinematograph film, other than an exempt recording”)

<sup>294</sup> Ss 40, 103C, 248(1A).

<sup>295</sup> S 248A (defining “indirect recording” as a sound recording or cinematograph film made from a communication of a live performance).

<sup>296</sup> “Performance” excludes performance and communication of works or other subject-matter in the course of educational instruction under s 28. See s 248A(2)(a).

<sup>297</sup> S 248A (defining a “recording” of a performance as excluding an “exempt recording”).

<sup>298</sup> S 248A (defining, in definition (aa), an “exempt recording” as one for purpose of research or study).

<sup>299</sup> S 248(1A).

<sup>300</sup> S 248C(1A).

Provision	s 40(1A)
Scope of research/educational reproduction	fair dealing
Type(s) of source work(s)	a literary work (other than lecture notes)
Entity exercising reproduction	an enrolled external student of an "educational institution" <sup>301</sup>
Purpose of educational reproduction	for the purpose of, or associated with, an approved course of study or research
Condition of reproduction	in determining whether a dealing is fair dealing, the matters to have regard shall include: (a) the purpose and character of the dealing; (b) the nature of the work in question; (c) the possibility of obtaining the work or adaptation within a reasonable time at an ordinary commercial price; (d) the effect of the dealing upon the potential market for, or the commercial value of, the work or adaptation; (e) where part only of the work or adaptation is reproduced--the amount and substantiality of the part copied taken in relation to the whole work or adaptation.
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement")

Provision	s 40(5)
Scope of research/educational reproduction	reproduction as fair dealing
Type(s) of source work(s)	not more than a "reasonable portion" of - a literary, dramatic or musical work (except a computer program), or an adaptation of such a work, in a published edition of at least 10 pages - a published literary work in electronic form (except a computer program or an electronic compilation), a published dramatic work in electronic form or an adaptation in electronic form of such a literary or dramatic work such a work not contained in an article in a periodical publication
Entity exercising reproduction	

<sup>301</sup> S 10(1) (defining an "educational institution" as pre-school, kindergarten, full-time primary school, full-time secondary school, university, college of advanced education or technical and further educational institution, institution that conducts primary, secondary or tertiary education by correspondence or on an external study basis, school of nursing, undertaking within a hospital, a teacher education centre, a general education institution, an occupation or professional preparation or continuing education institution, an institution for teaching English to people whose first language is not English, a teacher training undertaking for instructors for the previous educational institutions, and an institution that is providing teaching material to the previous educational institutions).

Purpose of educational reproduction	for the purpose of research or study
Condition of reproduction	
Frequency/copies and limits	“reasonable portion” <sup>302</sup> means: - literary, dramatic or musical work (except a computer program), or an adaptation – 10% of number of pages in edition, or a single chapter if work/adaptation is divided into chapters - published literary/dramatic/adaptation in electronic form <sup>303</sup> – 10% of number of words, or a single chapter if work/adaptation is divided into chapters
Preclusions (not part of research/educational reproduction)	any subsequent reproduction made by same person of any other part of same work/adaptation <sup>304</sup>
Subject to Attribution	
Subject to Remuneration	not required (“not an infringement”)

Provision	Part VB, Division 2, s 135ZG
Scope of research/educational reproduction	multiple reproductions of a page or pages of “insubstantial parts” of works
Type(s) of source work(s)	literary or dramatic work in a document (hardcopy form) <sup>305</sup>
Entity exercising reproduction	
Purpose of educational reproduction	for the purposes of a course of education provided by an educational institution
Condition of reproduction	reproduction is carried out on the premises of an educational institution <sup>306</sup>
Frequency/copies and limits	exception not applicable to reproduction of whole work <sup>307</sup>  “insubstantial part” means not more than 2 pages of work in edition (if edition has not more than 200 pages), or not more than 1% of total number of pages in edition (if edition has more than 200 pages) <sup>308</sup>  no reproduction under this exception of any other part of same work within 14 days of previous reproduction <sup>309</sup>

<sup>302</sup> S 40(5) uses the expression “despite subsection (2)”, which is intended to make clear that a reproduction of more than a “reasonable portion” of the works referred to in s 40(5) may still be considered a fair dealing for research or study under ss 40(1) and (2). See Copyright Amendment Bill 2006, Supplementary Explanatory Memorandum, para. 66, at [http://www.austlii.edu.au/au/legis/cth/bill\\_em/cab2006223/memo\\_1.html](http://www.austlii.edu.au/au/legis/cth/bill_em/cab2006223/memo_1.html).

<sup>303</sup> S 40(6) provides that if work exists in both electronic and non-electronic form, a fair dealing is a “reasonable portion” as long as the reproduction of it is a “reasonable portion” in either form. See Copyright Amendment Bill 2006, Supplementary Explanatory Memorandum, para. 67, at [http://www.austlii.edu.au/au/legis/cth/bill\\_em/cab2006223/memo\\_1.html](http://www.austlii.edu.au/au/legis/cth/bill_em/cab2006223/memo_1.html).

<sup>304</sup> S 40(7).

<sup>305</sup> S 135ZGA(1).

<sup>306</sup> S 135ZG(1).

<sup>307</sup> S 135ZG(2).

<sup>308</sup> S 135ZG(3).

<sup>309</sup> S 135ZG(4).

Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement")

Provision	Part VB, Division 2, s 135ZH
Scope of research/educational reproduction	making of one or more facsimile copies of the whole or a part of the edition
Type(s) of source work(s)	printed published edition of a work (being a work in which copyright does not subsist)
Entity exercising reproduction	by, or on behalf of, a body administering an educational institution
Purpose of educational reproduction	for the educational purposes of that institution or of another educational institution
Condition of reproduction	copy, or each of the copies, is made in the course of the making of a reproduction of the whole or a part of the work
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("is not infringed")

Provision	Part VB, Division 2, ss 135ZJ, 135ZK, 135ZL
Scope of research/educational reproduction	multiple reproductions
Type(s) of source work(s)	whole or part of: - an article in a printed periodical publication <sup>310</sup> - a literary or dramatic work, being a work contained in a printed published anthology of works and comprising not more than 15 pages in that anthology <sup>311</sup> - a literary, dramatic, musical or artistic work (other than an article contained in a periodical publication) <sup>312</sup> (including artistic works included for purposes of explaining or illustrating the article or other work <sup>313</sup> )
Entity exercising reproduction	by, or on behalf of, a body administering an educational institution
Purpose of educational reproduction	solely for the educational purposes of the institution or of another educational institution
Condition of reproduction	remuneration notice is given by or on behalf of body administering an educational institution to relevant collecting society

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<sup>310</sup> S 135ZJ(1).

<sup>311</sup> S 135ZK.

<sup>312</sup> S 135ZL.

<sup>313</sup> S 135ZM.

	body complies with marking and record keeping requirements for each reproduction <sup>314</sup>
Frequency/copies and limits	not applicable to reproductions of, or parts of, 2 or more articles contained in same periodical publication unless they relate to same subject-matter <sup>315</sup>  not applicable to reproductions of whole or of more than a reasonable portion of a work that has been separately published unless person making the reproductions or causes them to be made, is satisfied, after reasonable investigations, that reproductions (other than second-hand reproductions) of the work cannot be obtained within a reasonable time at an ordinary commercial price <sup>316</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	remuneration notice as undertaking to pay equitable remuneration to collecting society for copies made pursuant to provision, to be assessed on the basis of a records system, a sampling system or an electronic use system <sup>317</sup>  remuneration apportioned between copyright owners of work/article and of artistic works <sup>318</sup>

Provision	Part VB, Division 2A, s 135ZMB
Scope of research/educational reproduction	multiple reproductions (and communication)
Type(s) of source work(s)	not "substantial parts" of electronic <sup>319</sup> literary or dramatic work <sup>320</sup>
Entity exercising reproduction	
Purpose of educational reproduction	for the purposes of a course of education provided by an educational institution
Condition of reproduction	
Frequency/copies and limits	reproduction or communication is carried out on the premises of an educational institution for the purposes of a course of study provided by it <sup>321</sup>  "substantial part" means more than 2 pages (without altering any content) of work (which

<sup>314</sup> Ss 135ZX and 135ZXA.

<sup>315</sup> S 135ZJ(2).

<sup>316</sup> S 135ZL(2).

<sup>317</sup> S 135ZU.

<sup>318</sup> S 135ZM(2).

<sup>319</sup> S 135ZMA (limiting Division 2A to electronic forms of works).

<sup>320</sup> S 135ZMB(1).

<sup>321</sup> S 135ZMB(1).

	contains pages), work has more than 200 pages, <i>and</i> number of pages reproduced/communicated exceeds 1% of number of pages <sup>322</sup>  “substantial part” means number of words reproduced/communicated exceeds 1% of number of words in work (which does not contain pages) <sup>323</sup>  no reproduction/communication under this exception of any other part of same work within 14 days of previous reproduction/communication <sup>324</sup>  no communication under this exception while previous part made available online is still available <sup>325</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required (“not infringed”)

Provision	Part VB, Division 2A, ss 135ZMC, 135ZMD, 135ZMDA
Scope of research/educational reproduction	multiple reproductions (and communication)
Type(s) of source work(s)	whole or part of: <ul style="list-style-type: none"> <li>• an article in an electronic<sup>326</sup> periodical publication<sup>327</sup></li> <li>• an electronic<sup>328</sup> literary, dramatic, musical or artistic work (other than an article contained in a periodical publication)<sup>329</sup></li> <li>• a literary or dramatic work in an electronic<sup>330</sup> anthology<sup>331</sup> (work occupies no more than 15 “pages”<sup>332</sup> of published anthology)</li> </ul> including artistic works in electronic form included for purposes of explaining or illustrating the article or other work <sup>333</sup>

<sup>322</sup> S 135ZMB(1A).

<sup>323</sup> S 135ZMB(2).

<sup>324</sup> S 135ZMB(3).

<sup>325</sup> S 135ZMB(4).

<sup>326</sup> S 135ZMA (limiting Division 2A to electronic forms of works).

<sup>327</sup> S 135ZMC(1).

<sup>328</sup> S 135ZMA (limiting Division 2A to electronic forms of works).

<sup>329</sup> S 135ZMD.

<sup>330</sup> S 135ZMA (limiting Division 2A to electronic forms of works).

<sup>331</sup> S 135ZMDA.

<sup>332</sup> The concept of a “page” in electronic form refers to “pages whose content is unlikely to change regardless of the system used to view, reproduce or communicate them”. See e.g., s 135ZMDA(b).

<sup>333</sup> S 135ZME.

Entity exercising reproduction	by, or on behalf of, a body administering an educational institution
Purpose of educational reproduction	solely for the educational purposes of the institution or of another educational institution
Condition of reproduction	remuneration notice is given by or on behalf of body administering an educational institution to relevant collecting society  body complies with marking and record keeping requirements for each reproduction <sup>334</sup>
Frequency/copies and limits	not applicable to reproductions/communication of, or parts of, 2 or more articles contained in same periodical publication unless they relate to same subject-matter <sup>335</sup>  not applicable to reproductions of whole or of more than a reasonable portion of a literary or dramatic work, or the whole or more than 10% of a musical work, that has been separately published unless person making the reproductions or causes them to be made, is satisfied, after reasonable investigations, that work is not available in electronic form within a reasonable time at an ordinary commercial price <sup>336</sup>  no communication under this provision while previous part made available online is still available <sup>337</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	remuneration notice as undertaking to pay equitable remuneration to collecting society for copies made pursuant to provision, to be assessed on the basis of a records system, a sampling system or an electronic use system <sup>338</sup>  remuneration apportioned between copyright owners of work/article and of artistic works <sup>339</sup>

Provision	s 200(1)
Scope of research/educational reproduction	reproduction, or making or reproduction of adaptation
Type(s) of source work(s)	a literary, dramatic, musical or artistic <sup>340</sup> work
Entity exercising reproduction	teacher or student (reproduction or adaptation)

<sup>334</sup> Ss 135ZX and 135ZXA.

<sup>335</sup> S 135ZMC(2).

<sup>336</sup> S 135ZMD(2).

<sup>337</sup> S 135ZMD(3).

<sup>338</sup> S 135ZU.

<sup>339</sup> S 135ZME(2).

<sup>340</sup> The Australian Copyright Act does not recognize a right of adaptation of artistic works.



	person or authority in charge of place of education not conducted for profit (making a record)
Purpose of educational reproduction	in the course of educational instruction or as part of the questions to be answered in an examination, or in an answer to such a question <sup>341</sup>
Condition of reproduction	reproduction cannot be by appliance adapted for production of multiple copies or by appliance capable of producing a copy or copies by reprographic reproduction process
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("is not infringed")

Provision	s 200AB(3)
Scope of research/educational reproduction	use
Type(s) of source work(s)	a work or other subject matter
Entity exercising reproduction	made by or on behalf of a body administering an educational institution <sup>342</sup>
Purpose of educational reproduction	made for the purpose of giving educational instruction <sup>343</sup>
Condition of reproduction	not made partly for the purpose of the body obtaining a commercial advantage or profit <sup>344</sup>  use does not fall within any other provision of the Act <sup>345</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	use amounts to a special case <sup>346</sup>  use does not conflict with a normal exploitation of the work or other subject-matter <sup>347</sup>  use does not unreasonably prejudice the legitimate interests of the owner of the copyright <sup>348</sup>
Subject to Attribution	
Subject to Remuneration	not required ("is not infringed")

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<sup>341</sup> S 200(1)(a), (b).

<sup>342</sup> S 200AB(3)(a).

<sup>343</sup> S 200AB(3)(b).

<sup>344</sup> S 200AB(3)(c). S 200AB(6A) (providing that merely charging a fee connected with the use which does not exceed the cost of the use to the charger of the fee will not disqualify).

<sup>345</sup> S 200AB(6).

<sup>346</sup> S 200AB(1)(a). S 200AB(7) (defining "special case", "conflict with a normal exploitation" and "unreasonably prejudice the legitimate interest" as having the same meaning as Art. 13 of the TRIPS Agreement).

<sup>347</sup> S 200AB(1)(c).

<sup>348</sup> S 200AB(1)(d).

5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 44
Scope of anthologies/compilations limitation/exception	inclusion, in a collection of literary, dramatic, musical or artistic works contained in a book, sound recording or cinematograph film
Type(s) of source work(s)	a short extract from a published work or adaptation
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for use by places of education
Condition of anthologies/compilations limitation/exception	collection is described as being intended for use by places of education in an appropriate place/label in book, record, film  work or adaptation was not published for the purpose of being used by places of education  collection consists principally of matter in which copyright does not subsist
Frequency/copies and limits	not applicable if, in addition to extract concerned, 2 or more extracts from works/adaptations by same author <sup>349</sup> are contained in that collection or similar collection by same publisher within 5 year period <sup>350</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title (or other description), author (unless work is anonymous, pseudonymous or author has previously agreed or directed that an acknowledgment is not to be made) <sup>351</sup>
Subject to Remuneration	not required ("copyright ... is not infringed")

6. School Performances

Provision	s 28(1)
Scope of school performance	performance
Type(s) of source work(s)	literary, dramatic or musical work causing sounds of sound recordings and visual images of cinematograph films to be heard and seen
Entity exercising school performance	performed by a teacher or by a student

<sup>349</sup> S 83 (explaining that author includes works of joint authorship, so that works by any one or more of the authors of the extract concerned will count towards the preclusion).

<sup>350</sup> S 44(2).

<sup>351</sup> S 10(1) (defining "sufficient acknowledgment").

Purpose of school performance	for giving or receiving educational instruction, not being instruction given “for profit” <sup>352</sup>
Condition of school performance	performed in class, or otherwise in the presence of an audience  audience is limited to persons who are taking part in the instruction or are otherwise “directly connected” <sup>353</sup> with the place where the instruction is given
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required (“deemed not to be a performance in public”)

Provision	s 200AB(3)
Scope of school performance	use
Type(s) of source work(s)	a work or other subject matter
Entity exercising school performance	made by or on behalf of a body administering an educational institution <sup>354</sup>
Purpose of school performance	made for the purpose of giving educational instruction <sup>355</sup>
Condition of school performance	not made partly for the purpose of the body obtaining a commercial advantage or profit <sup>356</sup>  use does not fall within any other provision of the Act <sup>357</sup>
Preclusions (not part of school performance)	use amounts to a special case <sup>358</sup>  use does not conflict with a normal exploitation of the work or other subject-matter <sup>359</sup>  use does not unreasonably prejudice the legitimate interests of the owner of the copyright <sup>360</sup>
Subject to Attribution	
Subject to Remuneration	not required (“is not infringed”)

<sup>352</sup> S 28(2) (“For the purposes of this section, educational instruction given by a teacher at a place of education that is not conducted for profit shall not be taken to be given for profit by reason only that the teacher receives remuneration for giving the instruction.”)

<sup>353</sup> S 28(5) (“For the purposes of this section, a person shall not be taken to be directly connected with a place where instruction is given by reason only that he or she is a parent or guardian of a student who receives instruction at that place”).

<sup>354</sup> S 200AB(3)(a).

<sup>355</sup> S 200AB(3)(b).

<sup>356</sup> S 200AB(3)(c). S 200AB(6A) (providing that merely charging a fee connected with the use which does not exceed the cost of the use to the charger of the fee will not disqualify).

<sup>357</sup> S 200AB(6).

<sup>358</sup> S 200AB(1)(a). S 200AB(7) (defining “special case”, “conflict with a normal exploitation” and “unreasonably prejudice the legitimate interest” as having the same meaning as Art. 13 of the TRIPS Agreement).

<sup>359</sup> S 200AB(1)(c).

<sup>360</sup> S 200AB(1)(d).

7. Educational Broadcasts/Communications/Recordings

Provision	s 200(2)
Scope of broadcast/communication/recording	making of a record
Type(s) of source work(s)	a sound broadcast that was intended to be used for educational purposes
Entity exercising broadcast/communication/recording	person or authority in charge of place of education not conducted for profit
Purpose of broadcast/communication/recording	
Condition of broadcast/communication/recording	record is made by, or on behalf of, [entity] record is not used except in course of instruction
Frequency/limits of broadcast/communication/recording	record is not used except at place of education
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("does not constitute an infringement")

Provision	s 200(2A)
Scope of broadcast/communication/recording	making of a record
Type(s) of source work(s)	a sound broadcast
Entity exercising broadcast/communication/recording	body administering an educational institution
Purpose of broadcast/communication/recording	
Condition of broadcast/communication/recording	record is made by, or on behalf of, [entity] record is not used except for the educational purposes of that educational institution or another educational institution
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of copyright in the broadcast")

Provision	s 28(5)
Scope of broadcast/communication/recording	communication
Type(s) of source work(s)	a literary, dramatic or musical work, a sound recording or a cinematograph film
Entity exercising broadcast/communication/recording	

Purpose of broadcast/communication/recording	communication made merely to facilitate a performance, or to cause sounds or images of a sound recording/film to be heard or seen (that is not a performance in public or an act causing the sound recording/film to be heard/seen in public under s 28)
Condition of broadcast/communication/recording	where taking place, without payment of entrance charges and without a lucrative purpose
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("not to be a communication to the public")

Provision	s 28(6)
Scope of broadcast/communication/recording	communication
Type(s) of source work(s)	a television broadcast or sound broadcast or an artistic work (not to be a communication of the broadcast or of work or other subject-matter included in the broadcast, to the public)
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	(distance learning) communication made merely to facilitate broadcast/sound broadcast/work being seen/heard, in class or otherwise in the presence of an audience, in the course of educational instruction that is given by a teacher; and is not given for profit
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	audience is limited to persons who are taking part in the instruction or are otherwise directly connected with the place where the instruction is given
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("not to be a communication of the broadcast")

Provision	Part VA (ss 135A to 135ZA)
Scope of broadcast/communication/recording	making or communication

Type(s) of source work(s)	a copy of a broadcast <sup>361</sup> or any work, sound recording or cinematograph film included in a broadcast <sup>362</sup>
Entity exercising broadcast/communication/recording	“administering body” <sup>363</sup> – a body administering an educational institution
Purpose of broadcast/communication/recording	solely for the educational purposes of the institution or of another educational institution <sup>364</sup>
Condition of broadcast/communication/recording	remuneration notice given by administering body to collecting body  administering body complies with prescribed requirements <sup>365</sup>
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	“remuneration notice” – notice in writing to collecting society, undertaking to pay equitable remuneration to society for copies of broadcasts and communications of such copies of broadcasts made by administering body or on its behalf, while notice is in force <sup>366</sup>

Provision	Part VB, Division 2A, s 135ZMB
Scope of broadcast/communication/recording	communication
Type(s) of source work(s)	not “substantial parts” of electronic <sup>367</sup> literary or dramatic work <sup>368</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for the purposes of a course of study provided by an educational institution <sup>369</sup>
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	communication is carried out on the premises of an educational institution  “substantial part” means more than 2 pages (without altering any content) of work (which

<sup>361</sup> S 135C (extending the definition of “broadcast” to include free-to-air broadcast and broadcasts made available online).

<sup>362</sup> S 135E(1).

<sup>363</sup> S 135A (defining “administering body” as a body administering an “institution”, which is in turn defined to mean an educational institution or an institution assisting persons with an intellectual disability).

<sup>364</sup> S 135E(1)(b).

<sup>365</sup> S 135E(1)(a).

<sup>366</sup> S 135G. The notice shall specify whether the amount of equitable remuneration is to be assessed on the basis of a records system, a sampling system or an agreed system.

<sup>367</sup> S 135ZMA (limiting Division 2A to electronic forms of works).

<sup>368</sup> S 135ZMB(1).

<sup>369</sup> S 135ZMB(1).

	<p>contains pages), work has more than 200 pages, <i>and</i> number of pages reproduced/communicated exceeds 1% of number of pages<sup>370</sup></p> <p>“substantial part” means number of words reproduced/communicated exceeds 1% of number of words in work (which does not contain pages)<sup>371</sup></p> <p>no reproduction/communication under this exception of any other part of same work within 14 days of previous reproduction/communication<sup>372</sup></p> <p>no communication under this exception while previous part made available online is still available<sup>373</sup></p>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required (“not infringed”)

Provision	Part VB, Division 2A, ss 135ZMC, 135ZMD, 135ZMDA
Scope of broadcast/communication/recording	communication
Type(s) of source work(s)	<p>whole or part of:</p> <ul style="list-style-type: none"> <li>• an article in an electronic<sup>374</sup> periodical publication<sup>375</sup></li> <li>• an electronic<sup>376</sup> literary, dramatic, musical or artistic work (other than an article contained in a periodical publication)<sup>377</sup></li> <li>• a literary or dramatic work in an electronic<sup>378</sup> anthology<sup>379</sup> (work occupies no more than 15 “pages”<sup>380</sup> of published anthology)</li> </ul> <p>including artistic works in electronic form included for purposes of explaining or illustrating the article or other work<sup>381</sup></p>

<sup>370</sup> S 135ZMB(1A).

<sup>371</sup> S 135ZMB(2).

<sup>372</sup> S 135ZMB(3).

<sup>373</sup> S 135ZMB(4).

<sup>374</sup> S 135ZMA (limiting Division 2A to electronic forms of works).

<sup>375</sup> S 135ZMC(1).

<sup>376</sup> S 135ZMA (limiting Division 2A to electronic forms of works).

<sup>377</sup> S 135ZMD.

<sup>378</sup> S 135ZMA (limiting Division 2A to electronic forms of works).

<sup>379</sup> S 135ZMDA.

<sup>380</sup> The concept of a “page” in electronic form refers to “pages whose content is unlikely to change regardless of the system used to view, reproduce or communicate them”. See e.g., s 135ZMDA(b).

<sup>381</sup> S 135ZME.

Entity exercising broadcast/communication/recording	by, or on behalf of, a body administering an educational institution
Purpose of broadcast/communication/recording	solely for the educational purposes of the institution or of another educational institution
Condition of broadcast/communication/recording	remuneration notice is given by or on behalf of body administering an educational institution to relevant collecting society  body complies with marking and record keeping requirements for each reproduction <sup>382</sup>
Frequency/limits of broadcast/communication/recording	reproductions/communication of, or parts of, 2 or more articles contained in same periodical publication unless they relate to same subject-matter <sup>383</sup>  reproductions of whole or of more than a reasonable portion of a literary or dramatic work, or the whole or more than 10% of a musical work, that has been separately published unless person making the reproductions or causes them to be made, is satisfied, after reasonable investigations, that work is not available in electronic form within a reasonable time at an ordinary commercial price <sup>384</sup>  no communication while previous part made available online is still available <sup>385</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	remuneration notice as undertaking to pay equitable remuneration to collecting society for copies made pursuant to provision, to be assessed on the basis of a records system, a sampling system or an electronic use system <sup>386</sup>  remuneration apportioned between copyright owners of work/article and of artistic works <sup>387</sup>
Provision	s 248A ("exempt recording": definition para. (b))
Scope of broadcast/communication/recording	making an indirect <sup>388</sup> cinematographic film

<sup>382</sup> Ss 135ZX and 135ZXA.

<sup>383</sup> S 135ZMC(2).

<sup>384</sup> S 135ZMD(2).

<sup>385</sup> S 135ZMD(3).

<sup>386</sup> S 135ZU.

<sup>387</sup> S 135ZME(2).

<sup>388</sup> S 248A (defining "indirect recording" as a sound recording or cinematograph film made from a communication of a live performance).



Type(s) of source work(s)	a performance <sup>389</sup> [as an “exempt recording” <sup>390</sup> ]
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	solely for the purpose of use in scientific research
Condition of broadcast/communication/recording	film or copy ceases to be “exempt recording” if it is used for any other purpose without the authority of the performer <sup>391</sup>
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required (“recording” means a sound recording or cinematograph film, other than an exempt recording”)

Provision	s 248A (“exempt recording”: definition para. (c))
Scope of broadcast/communication/recording	making an indirect <sup>392</sup> cinematographic film
Type(s) of source work(s)	a performance <sup>393</sup> [as an “exempt recording” <sup>394</sup> ]
Entity exercising broadcast/communication/recording	made by, or on behalf of, the body administering an educational institution
Purpose of broadcast/communication/recording	solely for the educational purposes of that institution or of another educational institution  deemed to be for educational purposes if made: for use in connection with a particular course of instruction provided by the institution, or for inclusion in the collection of a library of the educational institution <sup>395</sup>
Condition of broadcast/communication/recording	film or copy ceases to be “exempt recording” if it is used for any other purpose without the authority of the performer <sup>396</sup>
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	

<sup>389</sup> “Performance” excludes performance and communication of works or other subject-matter in the course of educational instruction under s 28. See s 248A(2)(a).

<sup>390</sup> S 248A (defining a “recording” of a performance as excluding an “exempt recording”).

<sup>391</sup> S 248C(2).

<sup>392</sup> S 248A (defining “indirect recording” as a sound recording or cinematograph film made from a communication of a live performance).

<sup>393</sup> “Performance” excludes performance and communication of works or other subject-matter in the course of educational instruction under s 28. See s 248A(2)(a).

<sup>394</sup> S 248A (defining a “recording” of a performance as excluding an “exempt recording”).

<sup>395</sup> S 248B.

<sup>396</sup> S 248C(2).

Subject to Remuneration	not required (“recording’ means a sound recording or cinematograph film, other than an exempt recording”)
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Provision	s 200AB(3)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	a work or other subject matter
Entity exercising broadcast/communication/recording	made by or on behalf of a body administering an educational institution <sup>397</sup>
Purpose of broadcast/communication/recording	made for the purpose of giving educational instruction <sup>398</sup>
Condition of broadcast/communication/recording	not made partly for the purpose of the body obtaining a commercial advantage or profit <sup>399</sup>  use does not fall within any other provision of the Act <sup>400</sup>
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	use amounts to a special case <sup>401</sup>  use does not conflict with a normal exploitation of the work or other subject-matter <sup>402</sup>  use does not unreasonably prejudice the legitimate interests of the owner of the copyright <sup>403</sup>
Subject to Attribution	
Subject to Remuneration	not required (“is not infringed”)

## 8. Compulsory Licences for Educational Reproductions and Translations

### 9. TPM/RMI Exceptions for Educational Purposes

Provision	s 116AN(4) <sup>404</sup>
Scope of TPM/RMI restriction	circumventing access control technological protection measure

<sup>397</sup> S 200AB(3)(a).

<sup>398</sup> S 200AB(3)(b).

<sup>399</sup> S 200AB(3)(c). S 200AB(6A) (providing that merely charging a fee connected with the use which does not exceed the cost of the use to the charger of the fee will not disqualify).

<sup>400</sup> S 200AB(6).

<sup>401</sup> S 200AB(1)(a). S 200AB(7) (defining “special case”, “conflict with a normal exploitation” and “unreasonably prejudice the legitimate interest” as having the same meaning as Art. 13 of the TRIPS Agreement).

<sup>402</sup> S 200AB(1)(c).

<sup>403</sup> S 200AB(1)(d).

<sup>404</sup> Cf. s 116AO(4) (enabling the manufacture or importation of a device for circumvention of access control technological protection measures by a researcher where the researcher is engaged in a course of study at an educational institution, or employed or trained or experienced in the field of encryption technology, and is doing so for encryption research); s 116AP(4) (enabling the provision of services for circumvention of access control technological protection measures for a researcher where the researcher is engaged in a course of study at an educational institution, or employed or trained or experienced in the field of encryption technology, and is doing so for encryption research).

Type(s) of source work(s)	
Beneficiary exercising restriction	person (individual or body corporate) or employee is engaged in a course of study at an educational institution, or employed or trained, in the field of encryption technology <sup>405</sup>
Purpose of restriction	encryption research - for the sole purpose of identifying and analysing flaws and vulnerabilities of encryption technology <sup>406</sup>
Condition of restriction	circumvention relates to lawfully obtained copy of work/subject-matter <sup>407</sup>  circumvention act will not infringe copyright in the work/subject-matter <sup>408</sup>  person or employee has obtained permission from owner/exclusive licensee, or has made/will make good faith effort to obtain such permission <sup>409</sup>

Provision	s 132APC
Scope of TPM/RMI restriction	exempted from offence of circumventing access control technological protection measure, with intention of obtaining a commercial advantage or profit
Type(s) of source work(s)	a work or other subject-matter that is not an infringing copy and that was lawfully obtained <sup>410</sup>
Beneficiary exercising restriction	person (individual or body corporate) or employee is engaged in a course of study at an educational institution, or employed or trained, in the field of encryption technology <sup>411</sup>
Purpose of restriction	to enable person to do an act for the sole purpose of identifying and analyzing flaws and vulnerabilities of encryption technology <sup>412</sup>
Condition of restriction	circumvention act will not infringe copyright in the work/subject-matter <sup>413</sup>  person or employee has obtained permission from owner/exclusive licensee, or has made/will make good faith effort to obtain such permission <sup>414</sup>

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<sup>405</sup> S 116AN(4)(c).

<sup>406</sup> S 116AN(4)(b)(iii)

<sup>407</sup> S 116AN(4)(b)(i).

<sup>408</sup> S 116AN(4)(b)(ii).

<sup>409</sup> S 116AN(4)(d).

<sup>410</sup> S 132APC(4)(b)(i).

<sup>411</sup> S 116AN(4)(c).

<sup>412</sup> S 132APC(4)(b)(iii)

<sup>413</sup> S 132APC(4)(b)(ii).

<sup>414</sup> S 132APC(4)(d).

Provision	s 132APD
Scope of TPM/RMI restriction	exempted from offence of manufacturing etc. a circumvention device for an access control technological protection measure, with intention of obtaining a commercial advantage or profit
Type(s) of source work(s)	a work or other subject-matter that is not an infringing copy and that was lawfully obtained <sup>415</sup>
Beneficiary exercising restriction	researcher is engaged in a course of study at an educational institution, or employed or trained, in the field of encryption technology <sup>416</sup>
Purpose of restriction	to enable person to do an act for the sole purpose of identifying and analyzing flaws and vulnerabilities of encryption technology <sup>417</sup>
Condition of restriction	circumvention act will not infringe copyright in the work/subject-matter <sup>418</sup>  researcher has obtained permission from owner/exclusive licensee, or has made/will make good faith effort to obtain such permission <sup>419</sup>

Provision	s 132APE
Scope of TPM/RMI restriction	exempted from offence of providing a circumvention service for an access control technological protection measure with intention of obtaining a commercial advantage or profit
Type(s) of source work(s)	a work or other subject-matter that is not an infringing copy and that was lawfully obtained <sup>420</sup>
Beneficiary exercising restriction	researcher is engaged in a course of study at an educational institution, or employed or trained, in the field of encryption technology <sup>421</sup>
Purpose of restriction	to enable person to do an act for the sole purpose of identifying and analyzing flaws and vulnerabilities of encryption technology <sup>422</sup>
Condition of restriction	circumvention act will not infringe copyright in the work/subject-matter <sup>423</sup>  researcher has obtained permission from owner/exclusive licensee, or has made/will make good faith effort to obtain such permission <sup>424</sup>

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<sup>415</sup> S 132APD(4)(c)(i).

<sup>416</sup> S 132APD(4)(d).

<sup>417</sup> S 132APD(4)(d)(iii)

<sup>418</sup> S 132APD(4)(c)(ii).

<sup>419</sup> S 132APD(4)(e).

<sup>420</sup> S 132APE(4)(c)(i).

<sup>421</sup> S 132APE(4)(d).

<sup>422</sup> S 132APE(4)(c)(ii), (iii)

<sup>423</sup> S 132APE(4)(c)(ii).

<sup>424</sup> S 132APE(4)(e).

Provision	s 116AN(8)
Scope of TPM/RMI restriction	circumventing access control technological protection measure
Type(s) of source work(s)	
Beneficiary exercising restriction	educational institution
Purpose of restriction	sole purpose of making an acquisition decision in relation to the work or other subject-matter <sup>425</sup>
Condition of restriction	work/subject-matter will not be otherwise available to the educational institution for making its acquisition decision if the circumvention is not done <sup>426</sup>

Provision	ss 132APC(8), 132APD, 132APE, 132AT
Scope of TPM/RMI restriction	exempted from indictable offence of: engaging in a conduct that circumvents an access control technological protection measure with intention of obtaining a commercial advantage or profit, <sup>427</sup> manufacturing etc. a circumvention device for a technological protection measure with intention of obtaining a commercial advantage or profit, <sup>428</sup> providing a circumvention service for a technological protection measure with intention of obtaining a commercial advantage or profit, <sup>429</sup> removing, altering, RMI, distributing etc. altered copies, distributing RMI <sup>430</sup>
Type(s) of source work(s)	
Beneficiary exercising restriction	an educational institution
Purpose of restriction	anything lawfully done by entity in performing its function
Condition of restriction	

#### 10. Other Limitations/Exceptions

Provision	s 132AC
Scope of other limitation/exception	exempted from indictable offence of commercial-scale infringement substantially prejudicing copyright owner <sup>431</sup>
Type(s) of source work(s)	
Entity entitled to limitation/exception	an educational institution

<sup>425</sup> S 116AN(8)(c).

<sup>426</sup> S 116AN(8)(d).

<sup>427</sup> S 132APC(1), (8).

<sup>428</sup> S 132APD(1), (7).

<sup>429</sup> S 132APE(1), (7).

<sup>430</sup> S 132AT(2).

<sup>431</sup> S 132AC(1), (7).

Purpose of limitation/exception	anything lawfully done by entity in performing its function
Condition of limitation/exception	
Frequency/copies and limits	
Preclusions (not part of limitation/exception)	

Provision	ss 200AAA
Scope of other limitation/exception	exempted from infringement of copyright in work/subject-matter reproduced, copied, later communicated: automatic temporary electronic reproductions, copies made by computer system <sup>432</sup> operated by or on behalf of entity to facilitate efficient later access to works and other subject-matter (whether online using the internet or merely the system) by staff and students of system
Type(s) of source work(s)	
Entity entitled to limitation/exception	a body administering an educational institution
Purpose of limitation/exception	
Condition of limitation/exception	staff/students use system to gain online access for educational purposes to works/subject-matter
Frequency/copies and limits	
Preclusions (not part of limitation/exception)	

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<sup>432</sup> S 200AAA(5) (defining system to include network).

## Austria

### 1. Treaties & Legislation

Treaties:

Berne Convention: October 1, 1920 (Paris Act (1971): August 21, 1982)

WIPO Copyright Treaty: March 14, 2010

WIPO Performances and Phonograms Treaty: March 14, 2010

Legislation:

Federal Law on Copyrights on Literary and Artistic Works and Related Rights (Copyright Act) (as last amended by Federal Law Gazette (BGBl) I No. 99/2015)

### 2. Private/Personal Use

Provision	s 42(1)
Scope of private/personal use	copies on paper or any similar medium
Type(s) of source work(s)	a work
Entity exercising private/personal use	anyone
Purpose of private/personal use	for one's own use
Condition of private/personal use	
Frequency/copies and limits	a single copy
Preclusions (not part of private/personal use)	where reproduction is made for purpose of making available the work to the public by means of the copy or if an obviously unlawfully-produced model or a model has been unlawfully made available to the public is used before <sup>433</sup>
Subject to Attribution	
Subject to Remuneration	appropriate remuneration (leerkassettenvergütung)/reprographic/operator remuneration to be paid by first seller/importer of empty media or seller/importer/operator of reprographic (or similar) equipment to CMOs to be distributed to copyright holder <sup>434</sup>

Provision	s 42(2)
Scope of private/personal use	copies on media other than paper or its equivalent
Type(s) of source work(s)	a work, (a performance, <sup>435</sup> photograph, <sup>436</sup> phonogram, <sup>437</sup> broadcast <sup>438</sup> )
Entity exercising private/personal use	anyone
Purpose of private/personal use	for one's own use for purposes of research

<sup>433</sup> s 42(5).

<sup>434</sup> s 42b.

<sup>435</sup> s 71(1).

<sup>436</sup> s 74(7)

<sup>437</sup> s 76(4)

<sup>438</sup> s 76a(3).

Condition of private/personal use	to the extent justified for pursuing non-commercial use
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	where reproduction is made for purpose of making available the work to the public by means of the copy or if an obviously unlawfully-produced model or a model has been unlawfully made available to the public is used before <sup>439</sup>
Subject to Attribution	
Subject to Remuneration	appropriate remuneration (leerkassettenvergütung)/reprographic/operator remuneration to be paid by first seller/importer of empty media or seller/importer/operator of reprographic (or similar) equipment to CMOs to be distributed to copyright holder <sup>440</sup>

Provision	s 42(4)
Scope of private/personal use	copy on media other than paper or its equivalent
Type(s) of source work(s)	a work, (photograph <sup>441</sup> )
Entity exercising private/personal use	a natural person
Purpose of private/personal use	private use
Condition of private/personal use	copies do not serve commercial purposes either directly or indirectly
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	but not where reproduction is made for purpose of making available the work to the public by means of the copy or if an obviously unlawfully-produced model or a model has been unlawfully made available to the public is used before <sup>442</sup>
Subject to Attribution	
Subject to Remuneration	appropriate remuneration (leerkassettenvergütung)/reprographic/operator remuneration to be paid by first seller/importer of empty media or seller/importer/operator of reprographic (or similar) equipment to CMOs to be distributed to copyright holder <sup>443</sup>

Provision	s 42a(1)
Scope of private/personal use	copy
Type(s) of source work(s)	a work, (a performance, <sup>444</sup> photograph, <sup>445</sup> phonogram, <sup>446</sup> broadcast <sup>447</sup> )
Entity exercising private/personal use	
Purpose of private/personal use	copy for own use of another person

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<sup>439</sup> s 42(5).

<sup>440</sup> s 42b.

<sup>441</sup> s 74(7)

<sup>442</sup> s 42(5).

<sup>443</sup> s 42b.

<sup>444</sup> s 71(1).

<sup>445</sup> s 74(7)

<sup>446</sup> s 76(4)

<sup>447</sup> s 76a(3).



Condition of private/personal use	no payment is received or against payment for reprographic reproduction (or similar procedure), manual transcription for work of literature or music
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	appropriate remuneration (leerkassettenvergütung)/reprographic/operator remuneration to be paid by first seller/importer of empty media or seller/importer/operator of reprographic (or similar) equipment to CMOs to be distributed to copyright holder <sup>448</sup>

Provision	s 71(1)
Scope of private/personal use	fix on a videogram or phonogram, and make single copies thereof
Type(s) of source work(s)	a performance that has been broadcast or made available to the public, and the communication made by means of a videogram or phonogram of a performance
Entity exercising private/personal use	a natural person
Purpose of private/personal use	made for private use
Condition of private/personal use	neither for direct nor for indirect commercial purposes  to the extent justified for pursuing non-commercial use
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	appropriate remuneration (leerkassettenvergütung)/reprographic/operator remuneration to be paid by first seller/importer of empty media or seller/importer/operator of reprographic (or similar) equipment to CMOs to be distributed to copyright holder <sup>449</sup>

### 3. Quotations

Provision	s 42f
Scope of quotation	reproduce, distribute, broadcast, make available to the public and use for public speeches, performances and presentations
Type(s) of source work(s)	a published work, (a photograph <sup>450</sup> )
Entity exercising quotation	
Purpose of quotation	purpose of quotation

<sup>448</sup> s 42b.

<sup>449</sup> s 71(1) (applying s 42(2), (3), (5)-(7), ss 42a, 42b(1), (3)-(9) mutatis mutandis).

<sup>450</sup> s 74(7)

Condition of quotation	such use in its extent is justified by the particular purpose, in particular: - inclusion in a scientific work as a principal work: individually “released works” <sup>451</sup> , including scientific or instructional works that consist of visual presentations and artistic works for explaining contents - scientific or instructional presentation as a principal work: published artistic works in context for explaining contents and necessary copies are made - quotations in an independent new work: individual passages from a published work of language - quotations in a literary work: individual passages from a published musical work - quotations in an independent new work: individual passages from a released work
Preclusions (not part of quotation)	
Subject to Attribution	source, author <sup>452</sup>
Subject to Remuneration	not required (“it shall be permissible”)

#### 4. Research/Educational Reproduction

Provision	s 42(6)
Scope of research/educational reproduction	make copies and distribute
Type(s) of source work(s)	works, including graphic recordings of musical works (excluding works that are, by their nature or designation, for school use or instructional use), (a performance, <sup>453</sup> photograph, <sup>454</sup> phonogram, <sup>455</sup> broadcast <sup>456</sup> )
Entity exercising reproduction	schools, universities and other educational institutions
Purpose of educational reproduction	purposes of instruction or teaching (reproduction for one’s own school use)
Condition of reproduction	on media other than paper or its equivalent: only for non-commercial purposes
Frequency/copies and limits	to the extent justified  copies in the number necessary for a particular school class or course

<sup>451</sup> s 42f(2) (including a “released work” as a work that has been made available to the public with the consent of the author in a way that it is accessible to the general public).

<sup>452</sup> s 57(2), (3a) nos. 2 and 3, (4).

<sup>453</sup> s 71(1).

<sup>454</sup> s 74(7)

<sup>455</sup> s 76(4)

<sup>456</sup> s 76a(3).

	for entire books, periodicals or graphical recordings of musical works or copies thereof, or realization of architectural work according to a plan, draft or reconstruction: consent of right owner is required, unless reproduction is by manual transcription or work is non-released or out-of-print work <sup>457</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("may ... make copies")

Provision	s 42g
Scope of research/educational reproduction	reproduce and make available to the public
Type(s) of source work(s)	published works, excluding works that for school use or instructional use by their nature or designation, (film works if at least 2 years have passed since first presentation inland or in German or a language of a recognized ethnic group), <sup>458</sup> (performances, <sup>459</sup> photographs, <sup>460</sup> phonograms, <sup>461</sup> broadcasts <sup>462</sup> )
Entity exercising reproduction	schools, universities and other educational institutions
Purpose of educational reproduction	purposes of instruction or teaching,
Condition of reproduction	for illustration for instruction for a precisely confined circle of participants of the instruction or teaching
Frequency/copies and limits	to the extent necessary for the respective purpose and to the extent justified to pursue non-commercial purposes
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	equitable remuneration payable through CMO to author

Provision	s 71(1)
Scope of research/educational reproduction	fix on a videogram or phonogram, and make copies thereof
Type(s) of source work(s)	a performance that has been broadcast or made available to the public, and the communication made by means of a videogram or phonogram of a performance

<sup>457</sup> s 42(8) (providing that in such cases the reproduction pursuant to s 42(7) is permissible).

<sup>458</sup> s 42g(2).

<sup>459</sup> s 71(6) (applying s 42g mutatis mutandis). [sic]

<sup>460</sup> s 74(7).

<sup>461</sup> s 76(6).

<sup>462</sup> s 76a(5).

Entity exercising reproduction	(schools, universities and other educational institutions) <sup>463</sup> [sic]
Purpose of educational reproduction	(purposes of instruction or teaching) <sup>464</sup> [sic]
Condition of reproduction	neither for direct nor for indirect commercial purposes
Frequency/copies and limits	in a single copy <sup>465</sup>  to the extent justified for pursuing non-commercial use <sup>466</sup>
Preclusions (not part of research/educational reproduction)	excluding reproduction made for purpose of making available the work to the public by means of the copy or if an obviously unlawfully-produced model or a model has been unlawfully made available to the public is used before <sup>467</sup>
Subject to Attribution	
Subject to Remuneration	appropriate remuneration (leerkassettenvergütung)/reprographic/operator remuneration to be paid by first seller/importer of empty media or seller/importer/operator of reprographic (or similar) equipment to CMOs to be distributed to copyright holder <sup>468</sup>

##### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 45(1).1
Scope of anthologies/compilations limitation/exception	in a collection that contains works of several authors, reproduce, distribute and make available to the public
Type(s) of source work(s)	individual works of language or works subsequent to their release
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	collection is destined, according to its nature and designation, for school, church or instructional use
Condition of anthologies/compilations limitation/exception	non-commercial purposes
Frequency/copies and limits	to the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, title, author's designation <sup>469</sup>
Subject to Remuneration	equitable remuneration payable through CMO to author <sup>470</sup>

<sup>463</sup> s 71(1) (applying s 42(2), (3), (5)-(7), ss 42a, 42b(1), (3)-(9) mutatis mutandis).

<sup>464</sup> s 71(1) (applying s 42(2), (3), (5)-(7), ss 42a, 42b(1), (3)-(9) mutatis mutandis).

<sup>465</sup> s 71(1) (applying s 42(2), (3), (5)-(7), ss 42a, 42b(1), (3)-(9) mutatis mutandis).

<sup>466</sup> s 71(1) (applying s 42(2), (3), (5)-(7), ss 42a, 42b(1), (3)-(9) mutatis mutandis).

<sup>467</sup> s 71(1) (applying s 42(2), (3), (5)-(7), ss 42a, 42b(1), (3)-(9) mutatis mutandis).

<sup>468</sup> s 71(1) (applying s 42(2), (3), (5)-(7), ss 42a, 42b(1), (3)-(9) mutatis mutandis).

<sup>469</sup> ss 21(1), 57(2) para. 1, 2, 3, (4).

<sup>470</sup> s 45(3).

Provision	ss 45(1).1, 59c(1), (2)
Scope of anthologies/compilations limitation/exception	in a collection that contains works of several authors, reproduce, distribute and make available to the public
Type(s) of source work(s)	individual works of language or works subsequent to their release
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	collection is destined, according to its nature and designation, for school, church or instructional use, for commercial purposes, (including examination questions which relate to the discussion of the examinee about the work in schools, universities or other educational institutions) <sup>471</sup>
Condition of anthologies/compilations limitation/exception	entity has acquired necessary rights from CMO <sup>472</sup>
Frequency/copies and limits	to the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, title, author's designation <sup>473</sup>
Subject to Remuneration	equitable remuneration payable through CMO to author <sup>474</sup>

Provision	s 45(1).2
Scope of anthologies/compilations limitation/exception	reproduce, distribute and make available to the public, in a work,
Type(s) of source work(s)	individual works of language or works subsequent to their release
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	work is destined, according to its nature and designation, for school use, only for purpose of explaining the contents
Condition of anthologies/compilations limitation/exception	non-commercial purposes
Frequency/copies and limits	to the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, title, author's designation <sup>475</sup>

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<sup>471</sup> s 59c(2).

<sup>472</sup> s 59c(1).

<sup>473</sup> ss 21(1). 57(2) para. 1, 2, 3, (4).

<sup>474</sup> s 45(3).

<sup>475</sup> ss 21(1). 57(2) para. 1, 2, 3, (4).

Subject to Remuneration	equitable remuneration payable through CMO to author <sup>476</sup>
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Provision	ss 45(1).2, 59c(1), (2)
Scope of anthologies/compilations limitation/exception	reproduce, distribute and make available to the public, in a work
Type(s) of source work(s)	individual works of language or works subsequent to their release
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	work is destined, according to its nature and designation, for school use, only for purpose of explaining the contents, for commercial purposes, (including examination questions which relate to the discussion of the examinee about the work in schools, universities or other educational institutions) <sup>477</sup>
Condition of anthologies/compilations limitation/exception	entity has acquired necessary rights from CMO <sup>478</sup>
Frequency/copies and limits	to the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, title, author's designation <sup>479</sup>
Subject to Remuneration	equitable remuneration payable through CMO to author <sup>480</sup>

Provision	s 51(1).1
Scope of anthologies/compilations limitation/exception	reproduce, distribute and make available to the public, in the form of notations, in a collection
Type(s) of source work(s)	individual musical works subsequent to their release
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	collection is destined, according to its nature and designation, for school use
Condition of anthologies/compilations limitation/exception	non-commercial purposes  collection destined for singing instructions that contains works of several authors
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	

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<sup>476</sup> s 45(3).

<sup>477</sup> s 59c(2).

<sup>478</sup> s 59c(1).

<sup>479</sup> ss 21(1). 57(2) para. 1, 2, 3, (4).

<sup>480</sup> s 45(3).

Subject to Attribution	source, title, author's designation <sup>481</sup>
Subject to Remuneration	equitable remuneration payable through CMO to author <sup>482</sup>

Provision	ss 51(1).1, 59c(1), (2)
Scope of anthologies/compilations limitation/exception	reproduce, distribute and make available to the public, in the form of notations, in a collection
Type(s) of source work(s)	individual musical works subsequent to their release
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	collection is destined, according to its nature and designation, for school use, for commercial purposes, (including examination questions which relate to the discussion of the examinee about the work in schools, universities or other educational institutions) <sup>483</sup>
Condition of anthologies/compilations limitation/exception	collection destined for singing instructions that contains works of several authors  entity has acquired necessary rights from CMO <sup>484</sup>
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, title, author's designation <sup>485</sup>
Subject to Remuneration	equitable remuneration payable through CMO to author <sup>486</sup>

Provision	s 54(1).3
Scope of anthologies/compilations limitation/exception	reproduce, distribute and make available to the public, in a work of language
Type(s) of source work(s)	individual artistic works subsequent to their release, (photographs <sup>487</sup> )
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	work destined, according to its nature and designation, for school use or instructional use, only for the purpose of explaining the contents or in such a school book for purposes of art education for the youth
Condition of anthologies/compilations limitation/exception	work for non-commercial purposes

<sup>481</sup> ss 21(1). 57(2) para. 1, 2, (4).

<sup>482</sup> s 51(2).

<sup>483</sup> s 59c(2).

<sup>484</sup> s 59c(1).

<sup>485</sup> ss 21(1). 57(2) para. 1, 2, (4).

<sup>486</sup> s 51(2).

<sup>487</sup> s 74(7).

Frequency/copies and limits	to the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, title, author's designation <sup>488</sup>
Subject to Remuneration	equitable remuneration payable through CMO to author <sup>489</sup>

Provision	ss 54(1).3, 59c(1), (2)
Scope of anthologies/compilations limitation/exception	reproduce, distribute and make available to the public, in a work of language
Type(s) of source work(s)	individual artistic works subsequent to their release, (photographs <sup>490</sup> )
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	work destined, according to its nature and designation, for school use or instructional use, only for the purpose of explaining the contents or in such a school book for purposes of art education for the youth, (including examination questions which relate to the discussion of the examinee about the work in schools, universities or other educational institutions) <sup>491</sup>
Condition of anthologies/compilations limitation/exception	entity has acquired necessary rights from CMO <sup>492</sup>
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, title, author's designation <sup>493</sup>
Subject to Remuneration	equitable remuneration payable through CMO to author <sup>494</sup>

## 6. School Performances

Provision	s 50(1)
Scope of school performance	public recital
Type(s) of source work(s)	a released literary work
Entity exercising school performance	

<sup>488</sup> ss 21(1). 57(2) para. 1, 2, (4).

<sup>489</sup> s 54(2).

<sup>490</sup> s 74(7).

<sup>491</sup> s 59c(2).

<sup>492</sup> s 59c(1).

<sup>493</sup> ss 21(1). 57(2) para. 1, 2, (4).

<sup>494</sup> s 54(2).



Purpose of school performance	for giving or receiving educational instruction, not being instruction given "for profit" <sup>495</sup>
Condition of school performance	audience does not pay any entrance fee or any other fee  recital does not serve any pecuniary reward or if its earning is exclusively destined for charitable purposes  the performers do not receive a remuneration <sup>496</sup>
Preclusions (not part of school performance)	the recital was done by means of a phonogram that had been made or distributed while infringing the exclusive rights to reproduce or distribute the literary work fixed in the phonogram <sup>497</sup>
Subject to Attribution	
Subject to Remuneration	not required ("shall be permissible")

Provision	s 53(1).3
Scope of school performance	public performance
Type(s) of source work(s)	a released musical work
Entity exercising school performance	
Purpose of school performance	for giving or receiving educational instruction, not being instruction given "for profit" <sup>498</sup>
Condition of school performance	audience does not pay any entrance fee or any other fee  performance does not serve any pecuniary reward or if its earning is exclusively destined for charitable purposes  the performers do not receive a remuneration <sup>499</sup>  the performance was not done by means of a phonogram that had been made or distributed while infringing the exclusive rights to

<sup>495</sup> S 28(2) ("For the purposes of this section, educational instruction given by a teacher at a place of education that is not conducted for profit shall not be taken to be given for profit by reason only that the teacher receives remuneration for giving the instruction.")

<sup>496</sup> S 50(2). The learned reviewer for this provision has opined that teachers who are paid for teaching may be considered to be receiving a pecuniary award, though not necessarily for the performance, and thus be precluded from relying on this provision. On the other hand, by analogy and consistently with s 56c (*infra*), the provision may be construed to enable school performances, particularly by teachers.

<sup>497</sup> S 50(2).

<sup>498</sup> S 28(2) ("For the purposes of this section, educational instruction given by a teacher at a place of education that is not conducted for profit shall not be taken to be given for profit by reason only that the teacher receives remuneration for giving the instruction.")

<sup>499</sup> S 53(2). The learned reviewer for this provision has opined that teachers who are paid for teaching may be considered to be receiving a pecuniary award, though not necessarily for the performance, and thus be precluded from relying on this provision. On the other hand, by analogy and consistently with s 56c (*infra*), the provision may be construed to enable school performances, particularly by teachers.

	reproduce or distribute the musical work fixed in the phonogram <sup>500</sup>
Preclusions (not part of school performance)	scenic performances of an opera or another musical work connected to a literary work or for the performance of a musical work in connection with a film work or another cinematographic product <sup>501</sup>
Subject to Attribution	
Subject to Remuneration	not required ("shall be permissible")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 45(2)
Scope of broadcast/communication/recording	broadcast
Type(s) of source work(s)	works of language subsequent to their release
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for school use approved by the authority for instruction and designated as school broadcasts
Condition of broadcast/communication/recording	non-commercial purposes
Frequency/limits of broadcast/communication/recording	to the extent justified by the purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	equitable remuneration payable through CMO to author <sup>502</sup>

Provision	s 56c
Scope of broadcast/communication/recording	communication to the public
Type(s) of source work(s)	film works and the musical works connected to (excluding film works destined, according to their nature or designation, for school use or instructional use, or source videogram/phonogram infringes an exclusive right to reproduce or distribute the right in the work therein), <sup>503</sup> (photographs <sup>504</sup> )
Entity exercising broadcast/communication/recording	schools and universities
Purpose of broadcast/communication/recording	purposes of instruction or teaching
Condition of broadcast/communication/recording	

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<sup>500</sup> S 53(2).

<sup>501</sup> S 53(3).

<sup>502</sup> s 45(3).

<sup>503</sup> s 56c(3).

<sup>504</sup> s 74(7).

Frequency/limits of broadcast/communication/recording	to the extent justified by purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	equitable remuneration through CMO to author <sup>505</sup>

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	NA
Scope of TPM/RMI restriction	rightholder who used effective technological measures in respect of his work has voluntary agreements to ensure for the “beneficiaries” the benefit of the exceptions <sup>506</sup>
Type(s) of source work(s)	
Beneficiary exercising restriction	
Purpose of restriction	
Condition of restriction	

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<sup>505</sup> s 56c(2).

<sup>506</sup> Walter, “Austria”, in Walter/von Lewinski, European Copyright Law, Oxford (OUP) 2010, at 1102.

## Azerbaijan

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 4, 1999 (Paris Act (1971): June 4, 1999)

WIPO Copyright Treaty: April 11, 2006

WIPO Performances and Phonograms Treaty: April 11, 2006

Legislation:

Law of the Republic of Azerbaijan on Copyright and Related Rights (as amended up to Law No. 636-IVQD of April 30, 2013)

### 2. Private/Personal Use

Provision	Art. 17
Scope of private/personal use	reproduce
Type(s) of source work(s)	works previously published lawfully  “performances, phonograms and programs of broadcasting organizations and fixations” <sup>507</sup>
Entity exercising private/personal use	
Purpose of private/personal use	for personal purposes
Condition of private/personal use	(works) non-profit basis (performances, phonograms and programs) limitation does not conflict with a normal exploitation of performances, phonograms, programs and their fixations, as well as scientific, literary and artistic works included therein, and do not unjustifiably limit the legitimate interests of performer, phonogram producer, broadcasting organization and authors of indicated works <sup>508</sup>
Frequency/copies and limits	one copy
Preclusions (not part of private/personal use)	works of architecture, databases, computer programs, reprographic reproduction of whole books, sheet music, original works of fine art, “work without the consent which communicated to the public interactively [sic]”, “any reproduction of work prejudicing normal use or unreasonably limiting author’s interests communicated to the public interactively [sic]” <sup>509</sup>
Subject to Attribution	not required

<sup>507</sup> Art. 36.2(4) (importing the Art. 36 limitations of the rights of performers, phonogram producers and broadcasting organizations into limitations of economic rights of authors of scientific, literary and artistic works)

<sup>508</sup> Art. 36.1.

<sup>509</sup> Art. 17(2).

Subject to Remuneration	remuneration by manufacturer/importer of "equipment" <sup>510</sup> used for reproduction and "material media", <sup>511</sup> collection of remuneration carried out by rights management organization, <sup>512</sup> to be distributed to authors, performers and audiovisual work/phonogram producers for audiovisual works/phonograms
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### 3. Quotations

Provision	Art. 19(1)
Scope of quotation	use as quotations
Type(s) of source work(s)	short excerpts in original or in translation from lawfully published works, press reviews from newspapers and magazines
Entity exercising quotation	
Purpose of quotation	for scientific, research, polemical, critical and informational purposes
Condition of quotation	"to the extent [sic] justified by the intended purpose"
Preclusions (not part of quotation)	
Subject to Attribution	mandatory indication of the author's name and of the source of borrowing
Subject to Remuneration	not required ("without paying the author's remuneration")

Provision	Art. 36.2(1)
Scope of quotation	use, as quotations
Type(s) of source work(s)	short excerpts from performances, phonograms and programs of broadcasting organizations <sup>513</sup>
Entity exercising quotation	
Purpose of quotation	for scientific, research, polemical, critical and informational purposes
Condition of quotation	to the extent justified by intended purpose
Preclusions (not part of quotation)	limitations do not conflict with a normal exploitation of performances, phonograms, programs of broadcasting organizations and their fixations, as well as scientific, literary and artistic works included therein and do not unjustifiably limit legitimate interests of performer, phonogram producer, broadcasting organization and authors of indicated works <sup>514</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without paying remuneration")

<sup>510</sup> Art. 17(5) (providing that exported, professional equipment or material media not designed for use for recording in home conditions are exempt from remuneration).

<sup>511</sup> Art. 17(3).

<sup>512</sup> Art. 17(4).

<sup>513</sup> Art. 36.2(1).

<sup>514</sup> Art. 36.1.

4. Research/Educational Reproduction

Provision	Art. 18.1(c)
Scope of research/educational reproduction	reprographic reproduction <sup>515</sup>
Type(s) of source work(s)	lawfully published separate articles and other small works or short excerpts from written works
Entity exercising reproduction	
Purpose of educational reproduction	for training at educational institutions
Condition of reproduction	without commercial purpose
Frequency/copies and limits	to extent justified by intended purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

Provision	Art. 19(2)
Scope of research/educational reproduction	use
Type(s) of source work(s)	short excerpts from lawfully published works for publications, radio and broadcastings, sound and video recordings
Entity exercising reproduction	
Purpose of educational reproduction	of an educational nature
Condition of reproduction	
Frequency/copies and limits	to the extent justified by the intended purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without paying the author's remuneration")

Provision	Art. 36.2(2)
Scope of research/educational reproduction	use in illustration character
Type(s) of source work(s)	short excerpts of performances, phonograms and programs of broadcasting organizations and fixations <sup>516</sup>
Entity exercising reproduction	
Purpose of educational reproduction	for training or scientific-research purposes
Condition of reproduction	
Frequency/copies and limits	to the extent justified by intended purpose
Preclusions (not part of research/educational reproduction)	limitations do not conflict with a normal exploitation of performances, phonograms,

<sup>515</sup> Art. 18.1(c) *may* be read with Art. 36.2(4) (which has the effect of importing the limitations in Section II into this section of the law), to enable the reprographic reproduction of performances, phonograms and programs of broadcasting organizations and fixations thereof, without authorization, and without paying remuneration, subject to the three-step test set out in Art. 36.1.

<sup>516</sup> Art. 36.2(2).

	programs of broadcasting organizations and their fixations, as well as scientific, literary and artistic works included therein and do not unjustifiably limit legitimate interests of performer, phonogram producer, broadcasting organization and authors of indicated works <sup>517</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without paying remuneration")

5. Educational Publications/Anthologies/Compilations/Composite Works
6. School Performances
7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

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<sup>517</sup> Art. 36.1.

## Bahamas

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 10, 1973 (Paris Act (1971): January 8, 1977)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act, 1998 (CH.323) (as amended by the Copyright (Amendment) Act, Act No. 2 of 2004)

### 2. Private/Personal Use

Provision	ss 58, 60
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a copyright work, including such use by reproduction in copies or phonorecords
Entity exercising private/personal use	
Purpose of private/personal use	for purposes such as research, private study, scholarship or teaching (instruction at an “educational establishment” <sup>518</sup> )
Condition of private/personal use	to determine if act done in relation to a work constitutes fair dealing, court shall take account of all factors which appear to it to be relevant, including: (a) the nature of the work in question; (b) the amount and substantiality of that part of the work affected by the act in relation to the whole of the work; (c) the purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes; and (d) the effect of the act upon the potential market for, or the commercial value of, the work
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required (“does not infringe copyright”)

### 3. Quotations

Provision	ss 59(1)(a), 60
Scope of quotation	fair dealing
Type(s) of source work(s)	a protected work
Entity exercising quotation	

<sup>518</sup> S 2(1) (defining an “educational establishment” as any school, college or other educational body designated by the Minister by order).



Purpose of quotation	for purposes of criticism, comment, parody or review
Condition of quotation	to determine if act done in relation to a work constitutes fair dealing, court shall take account of all factors which appear to it to be relevant, including: (a) the nature of the work in question; (b) the amount and substantiality of that part of the work affected by the act in relation to the whole of the work; (c) the purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes; and (d) the effect of the act upon the potential market for, or the commercial value of, the work. <sup>519</sup>
Preclusions (not part of quotation)	
Subject to Attribution	title of work (or other description), name of author, unless anonymous or author agreed that no acknowledgement be made, or not possible to ascertain identity for unpublished work <sup>520</sup>
Subject to Remuneration	not required ("does not infringe copyright")

#### 4. Research/Educational Reproduction

Provision	s 58
Scope of research/educational reproduction	fair dealing
Type(s) of source work(s)	a copyright work, including such use by reproduction in copies or phonorecords
Entity exercising reproduction	
Purpose of educational reproduction	for purposes such as research, private study, scholarship or teaching (instruction at an "educational establishment" <sup>521</sup> )
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

Provision	s 62(1)
Scope of research/educational reproduction	reproduction (not by means of a reprographic process)
Type(s) of source work(s)	literary, dramatic, musical, choreographic or artistic work

<sup>519</sup> S 60.

<sup>520</sup> S 57 (defining "sufficient acknowledgment").

<sup>521</sup> S 2(1) (defining an "educational establishment" as any school, college or other educational body designated by the Minister by order).

Entity exercising reproduction	a person giving or receiving instruction
Purpose of educational reproduction	in the course of instruction or of preparation for instruction
Condition of reproduction	
Frequency/copies and limits	reproduction copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>522</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... is not infringed")

Provision	s 62(2)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	sound recording, motion pictures, audiovisual works
Entity exercising reproduction	a person giving the instruction
Purpose of educational reproduction	in the course of instruction or of preparation for instruction, in the making of motion pictures or motion picture sound-tracks
Condition of reproduction	copy reproduced is retained by department of educational establishment in which instruction is being given  educational establishment to have accredited degree programme in motion pictures
Frequency/copies and limits	in a single copy or phonorecord  reproduction copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>523</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... is not infringed")

Provision	s 62(4)
Scope of research/educational reproduction	anything done
Type(s) of source work(s)	
Entity exercising reproduction	
Purpose of educational reproduction	an examination by way of setting the questions, communicating the questions to candidates or answering the questions
Condition of reproduction	

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<sup>522</sup> S 66.

<sup>523</sup> S 66.

Frequency/copies and limits	reproduction copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>524</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... is not infringed")

Provision	s 65
Scope of research/educational reproduction	reproduction of copies <sup>525</sup>
Type(s) of source work(s)	published literary, dramatic or musical works
Entity exercising reproduction	by or on behalf of an educational establishment
Purpose of educational reproduction	instruction
Condition of reproduction	
Frequency/copies and limits	not more than 5% in any quarter of the year  reproduction copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>526</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without infringing any copyright")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 63
Scope of anthologies/compilations limitation/exception	inclusion in collection
Type(s) of source work(s)	a short passage from a published literary, musical or dramatic work published in copies
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for use in educational establishments
Condition of anthologies/compilations limitation/exception	collection to be described and advertised as being for use in educational establishments  work was not itself published for use of educational establishments  collection consists mainly of public domain works

<sup>524</sup> S 66.

<sup>525</sup> S 2(1) (defining "reprographic process" as a process (a) for making facsimile copies, or (b) involving the use of an appliance for making multiple copies, and, in relation to a work held in electronic form, includes any copying by electronic means, but does not include the making of a film or sound recording).

<sup>526</sup> S 66.

Frequency/copies and limits	no more than 2 extracts from works by same author <sup>527</sup> contained in collections by same publisher within 5 year period <sup>528</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	inclusion accompanied by "sufficient acknowledgment"
Subject to Remuneration	not required ("does not infringe copyright")

#### 6. School Performances

Provision	s 75(a)
Scope of school performance	performance or display
Type(s) of source work(s)	a work
Entity exercising school performance	instructors or pupils
Purpose of school performance	in the course of teaching activities
Condition of school performance	in an educational establishment, in a classroom or similar place of instruction
Preclusions (not part of school performance)	in the case of a motion picture, or the display of individual images, performance or display of work was given by means of a copy that was not lawfully made under this Act, and person responsible for performance knew or had reason to believe it was not lawfully made
Subject to Attribution	
Subject to Remuneration	not required ("are not infringement")

Provision	s 75(d)
Scope of school performance	performance otherwise than in a transmission to the public
Type(s) of source work(s)	a non-dramatic literary or musical work
Entity exercising school performance	
Purpose of school performance	
Condition of school performance	without any purpose of direct or indirect commercial advantage and without payment of any fee or other compensation for performance to any of its performers, promoters or organizers  no direct or indirect admission charge or proceeds, after deducting reasonable costs of producing performance, are used exclusively for educational purposes and not for private financial gain
Preclusions (not part of school performance)	copyright owner has served notice of objection, in writing and signed by copyright owner or

<sup>527</sup> S 63(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion).

<sup>528</sup> S 44(2).

	duly authorized agent, to performance, where notice is served on person responsible for performance at least 7 days before performance, stating reasons for objection, and notice complies, in form, content and manner of service, with prescribed regulations <sup>529</sup>
Subject to Attribution	
Subject to Remuneration	not required ("are not infringement")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 64, 108
Scope of broadcast/communication/recording	reproduction [fixation] in single copy or phonorecord
Type(s) of source work(s)	transmission of a performance or display or a live performance
Entity exercising broadcast/communication/recording	(performance or display) by educational establishment (live performance) by or on behalf of educational establishment
Purpose of broadcast/communication/recording	(performance or display) for educational purposes of educational establishment
Condition of broadcast/communication/recording	performance or display is directly related to the course content
Frequency/limits of broadcast/communication/recording	reproduction copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>530</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("without ... infringing copyright/any of the rights")

Provision	s 75(b)
Scope of broadcast/communication/recording	performance <sup>531</sup> by or in the course of a transmission
Type(s) of source work(s)	a non-dramatic, literary or musical work or display of a work
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	performance or display is a regular part of the systematic instructional activities of a governmental body or educational establishment

<sup>529</sup> S 75(d)(ii).

<sup>530</sup> Ss 66, 108(2).

<sup>531</sup> S 2(1) (defining public performance or display of a work as "(a) to perform or display it at a place open to the public or at any place where a substantial number outside of a normal circle of a family and its social acquaintances is gathered; or (b) to transmit or otherwise communicate a performance or display of the work to a place specified by paragraph (a) or to the public by means of any device or process, whether the section of the public capable of receiving the performance or display receive it in the same place or in separate places and at the same time or at different times;").

Condition of broadcast/communication/recording	performance or display is directly related and is of material assistance to the teaching content of the transmission  transmission is made primarily for — (A) reception in classrooms or similar places of instruction, or (B) reception by persons to whom the transmission is directed because their disabilities or other special circumstances prevent their attendance in classrooms or similar places of instruction, or (C) reception by officers or employees of governmental bodies as a part of their official duties or employment
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("are not infringement")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes10. Other Limitations/Exceptions

Provision	s 41(3)(d)
Scope of other limitation/exception	court to remit statutory damages of entity who, or whose employer, infringed copyright by reproducing work in copies or phonorecords
Type(s) of source work(s)	copyright work
Entity entitled to limitation/exception	infringer entity was an employee or agent of a non-profit educational establishment, acting within the scope of his employment
Purpose of limitation/exception	
Condition of limitation/exception	entity believed that his use of copyright work was a fair dealing
Frequency/copies and limits	
Preclusions (not part of limitation/exception)	

## Bahrain

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 2, 1997 (Paris Act (1971): March 2, 1997)

WIPO Copyright Treaty: December 15, 2005

WIPO Performances and Phonograms Treaty: December 15, 2005

Legislation:

Law No. 22 of the Year 2006 relating to the Protection of Copyright and Neighbouring Rights

### 2. Private/Personal Use

Provision	Art. 19
Scope of private/personal use	copy
Type(s) of source work(s)	a legally published original work, or of a legal copy thereof, [a performance, phonogram, radio and television programme] <sup>532</sup>
Entity exercising private/personal use	
Purpose of private/personal use	for purely personal use
Condition of private/personal use	
Frequency/copies and limits	a single copy
Preclusions (not part of private/personal use)	reproduction of architectural works embodied in buildings or any other construction, photocopied reproduction of written work, in whole or part, photocopied reproduction of a work of sheet music, in whole or part, reproduction of a database in digital form, in whole or part, reproduction of computer program (other than permitted by Art. 26) <sup>533</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without paying compensation")

### 3. Quotations

Provision	Art. 21(a)
Scope of quotation	reproducing a short segment
Type(s) of source work(s)	a legally published work, [a performance, phonogram, radio and television programme] <sup>534</sup>
Entity exercising quotation	
Purpose of quotation	to cite it in another work
Condition of quotation	citation is used for a legal purpose  citation is in the degree necessary to achieve that purpose

<sup>532</sup> Art. 29 (applying Arts. 19 to 24 to the free usage of performances, phonograms, and radio and television programmes).

<sup>533</sup> These are for backing up a copy of the software or for interoperability purposes. Art. 26.

<sup>534</sup> Art. 29 (applying Arts. 19 to 24 to the free usage of performances, phonograms, and radio and television programmes).

Preclusions (not part of quotation)	
Subject to Attribution	source, author (if it appears in source)
Subject to Remuneration	not required ("without paying compensation")

Provision	Art. 21(b)
Scope of quotation	using in publications, radio or television programmes or audiovisual recordings
Type(s) of source work(s)	a legally published literary or artistic work, [a performance, phonogram, radio and television programme] <sup>535</sup>
Entity exercising quotation	non-profit educational institutions
Purpose of quotation	as a means of clarification for purposes of education
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if it appears in source)
Subject to Remuneration	not required ("without paying compensation")

#### 4. Research/Educational Reproduction

Provision	Art. 21(c)
Scope of research/educational reproduction	photographic reproduction
Type(s) of source work(s)	an article, brief extracts of a work, or a short work, all of which have been legally published, [a performance, phonogram, radio and television programme] <sup>536</sup>
Entity exercising reproduction	within nonprofit educational institutions
Purpose of educational reproduction	for educational purposes
Condition of reproduction	in the degree necessary to achieve those purposes
Frequency/copies and limits	only a single copy, or separate occasions
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if it appears in source)
Subject to Remuneration	not required ("without paying compensation")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

#### 6. School Performances

Provision	Art. 27
Scope of school performance	public performance
Type(s) of source work(s)	a dramatic, musical or dramatic-musical work, a work of dance or a work of mime, or any other work created to be so performed

<sup>535</sup> Art. 29 (applying Arts. 19 to 24 to the free usage of performances, phonograms, and radio and television programmes).

<sup>536</sup> Art. 29 (applying Arts. 19 to 24 to the free usage of performances, phonograms, and radio and television programmes).



Entity exercising school performance	
Purpose of school performance	face-to-face educational activities
Condition of school performance	within recognised nonprofit educational institutions in classrooms or other similar places allocated for teaching  no direct or indirect financial recompense
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("without paying compensation")

7. Educational Broadcasts/Communications/Recordings8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 64(3)
Scope of TPM/RMI restriction	not obliged to pay compensation for disabling/impairing any effective technological measure, display, present to public, manufacture etc., any method, product or component for purpose of evading any effective technological measure, if they have secondary goal or use in addition to disabling any effective technological measure, or if they are principally designed, etc. to enable or facilitate disabling or impairing any effective technological measure, or knowingly delete or alter any RMI, distribute RMI knowing it has been deleted or altered, or distribute etc. copies of works, performances, phonograms, knowing that RMI has been deleted or altered without authorization, manufacture etc. any system or method principally used to decode encrypted programme carrying signals without permission from rightful party, deliverately receive/distribute encrypted programme signal if know that signal was decoded without authorisation
Type(s) of source work(s)	
Beneficiary exercising restriction	nonprofit libraries or archives, educational institutions or noncommercial public broadcasting organisations
Purpose of restriction	
Condition of restriction	entity was not aware or did not have reason to believe that such activity involved a violation or constituted a forbidden action

## Bangladesh

### 1. Treaties & Legislation

Treaties:

Berne Convention: May 4, 1999 (Paris Act (1971): May 4, 1999)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act, 2000 (Act No. 28 of 2000, as amended up to 2005)

### 2. Private/Personal Use

Provision	s 72(1)(1)(i)
Scope of private/personal use	fair use
Type(s) of source work(s)	literary, dramatic, musical or artistic work, or translation or adaptation of work <sup>537</sup>
Entity exercising private/personal use	
Purpose of private/personal use	private study or private use including research
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required (“shall not constitute infringement of copyright”)

Provision	s 36(a)
Scope of private/personal use	making of any fixation, or such other acts with any necessary adaptations and modifications, which do not constitute infringement of copyright, <sup>538</sup>
Type(s) of source work(s)	broadcast or performance
Entity exercising private/personal use	person making such fixation
Purpose of private/personal use	private use of entity
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required (“no ... right shall be deemed to be infringed”)

### 3. Quotations

Provision	s 72(1)(1)(ii)
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<sup>537</sup> S 72(2).

<sup>538</sup> S 36(c).

Scope of quotation	fair use
Type(s) of source work(s)	literary, dramatic, musical or artistic work, or translation or adaptation of such work <sup>539</sup>
Entity exercising quotation	
Purpose of quotation	criticism or review, whether of that work or any other work
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute infringement of copyright")

#### 4. Research/Educational Reproduction

Provision	s 36(a)
Scope of research/educational reproduction	making of any fixation, or such other acts with any necessary adaptations and modifications, which do not constitute infringement of copyright, <sup>540</sup>
Type(s) of source work(s)	broadcast or performance
Entity exercising reproduction	
Purpose of educational reproduction	solely for purposes of bona-fide teaching or research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("no ... right shall be deemed to be infringed")

Provision	s 72(1)(8)
Scope of research/educational reproduction	reproduction or adaptation
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, or translation of such work <sup>541</sup>
Entity exercising reproduction	a teacher or a pupil
Purpose of educational reproduction	in the course and for the sole purpose of instruction; or as part of the questions to be answered in an examination; or in answer to such question
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute infringement of copyright")

<sup>539</sup> S 72(2).

<sup>540</sup> S 36(c).

<sup>541</sup> S 72(2).

5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 72(1)(7)
Scope of anthologies/compilations limitation/exception	publication in a collection
Type(s) of source work(s)	short passages from published literary or dramatic works in which copyright subsists, or translation or adaptation of such works <sup>542</sup>
Entity exercising anthologies/compilations limitation/exception	publisher
Purpose of anthologies/compilations limitation/exception	bonafide intended for the use of educational institutions
Condition of anthologies/compilations limitation/exception	collection mainly composed of noncopyright matter  collection to be described and advertised as being for use in educational establishments  source works not themselves published for the use of educational institutions
Frequency/copies and limits	no more than 2 extracts from works by same author <sup>543</sup> are published by same publisher within 5 year period <sup>544</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute infringement of copyright")

Provision	s 72(1)(9)
Scope of anthologies/compilations limitation/exception	publication
Type(s) of source work(s)	a literary, dramatic or musical work, or a translation or adaptation of such work <sup>545</sup>
Entity exercising anthologies/compilations limitation/exception	by the staff and students of the institution
Purpose of anthologies/compilations limitation/exception	in the course of the activities of an educational institution
Condition of anthologies/compilations limitation/exception	audience [sic] is limited to such staff and students, the parents and guardians of the students and persons directly connected with the activities of the institution
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	

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<sup>542</sup> S 72(2).

<sup>543</sup> S 72(1)(7) explanation (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion).

<sup>544</sup> S 72(1)(7) proviso.

<sup>545</sup> S 72(2).

Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute infringement of copyright")

6. School Performances

Provision	s 72(1)(9)
Scope of school performance	performance
Type(s) of source work(s)	a literary, dramatic or musical work, or of a cinematograph film or a sound recording, or a translation or adaptation of such work <sup>546</sup>
Entity exercising school performance	by the staff and students of the institution
Purpose of school performance	in the course of the activities of an educational institution
Condition of school performance	audience is limited to such staff and students, the parents and guardians of the students and persons directly connected with the activities of the institution
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute infringement of copyright")

Provision	s 72(1)(12)
Scope of school performance	performance
Type(s) of source work(s)	a literary, dramatic or musical work, or a translation or adaptation of such work <sup>547</sup>
Entity exercising school performance	an amateur club or society
Purpose of school performance	
Condition of school performance	performance is given to a non-paying audience or for the benefit of a religious, charitable or educational institution
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute infringement of copyright")

7. Educational Broadcasts/Communications/Recordings

Provision	s 72(1)(11)
Scope of broadcast/communication/recording	causing to be heard in public by utilizing it at any premises (except a hotel or similar commercial establishment) where persons reside
Type(s) of source work(s)	sound recording, or a translation or adaptation of such recording <sup>548</sup>

<sup>546</sup> S 72(2).<sup>547</sup> S 72(2).<sup>548</sup> S 72(2). S 2(11) (defining a "work" to include "a sound recording").

Entity exercising broadcast/communication/recording	a club, society or other organization which is not established or conducted for profit
Purpose of broadcast/communication/recording	as part of the activities of entity
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute infringement of copyright")

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	s 52(1)
Nature of compulsory licence for translation for educational purposes	non-exclusive, <sup>549</sup> compulsory licence, for producing and publishing a translation or adaptation into any language in general use in Bangladesh
Scope of compulsory licence for digital copying and dissemination	digital reproduction <sup>550</sup> digital publication <sup>551</sup> no digital dissemination <sup>552</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration renewed and effective until Oct 10, 2024
Type(s) of source work(s)	a literary or dramatic work
Licence applicant/entity	any person
Purpose of licence	
Condition of licence	licence application may be made: 5 years from first publication <sup>553</sup>  work has not been previously translated or adapted into the language in the licence application and published by the owner or authorized person within 5 years of first publication, or if translation has been so published, it has been out of print <sup>554</sup>

<sup>549</sup> S 52(5).

<sup>550</sup> S 3 (defining "publication" to mean making a work available to the public by issuing "copies"), and "copy" is defined in s 2(1) as "a reproduction in the form of words, picture, sounds, letters, written form or in the form of sound recordings, cinematograph film, graphic picture or in the material or nonmaterial form, digital code (fixed or moving) or whether in two or three or surrealistic dimensions".

<sup>551</sup> *Id.*

<sup>552</sup> S 3 (defining "publication" to mean making a work available to the public by "communicating the work to the public") and "communication to the public" is defined in s 2(15) as "making any work available for being seen or heard or otherwise enjoyed by the public through wire and wireless means directly or by any means of display or diffusion other than by issuing copies of such work regardless by any member of the public actually sees, hears or otherwise enjoys the work made available in this manner". But s 3 proviso provides that communication and broadcasting of a literary or an artistic work shall not constitute publication.

<sup>553</sup> S 52(1).

<sup>554</sup> S 52(1) proviso 2(i).

	<p>licence applicant has requested and been denied authorisation by owner of copyright, or was unable to find owner after due diligence, despite sending request to publisher, or owner has demanded more unreasonable royalties than normal selling prices prevailing in Bangladesh by imposing unreasonable conditions for publication of translation or adaptation<sup>555</sup></p> <p>licence applicant is competent to produce and publish a correct translation or adaptation and possesses means to pay copyright owner the royalties due<sup>556</sup></p> <p>opportunity to be heard is given, to owner of copyright, where practicable<sup>557</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>558</sup></p>
Compulsory licence fee(s)	in respect of copies of translation sold to public, beneficiary of compulsory licence to pay royalties to owner of copyright, calculated at such rate as Board may determine in prescribed manner <sup>559</sup>
Price of publication	applicant to state proposed retail price of copy <sup>560</sup>
Distribution conditions	
Grantor of compulsory licence	Registrar <sup>561</sup>

Provision	s 52(2)
Nature of compulsory licence for translation for educational purposes	non-exclusive, <sup>562</sup> compulsory licence, for producing and publishing a translation or adaptation into any language in general use in Bangladesh, in printed or analogous forms of reproduction
Scope of compulsory licence for digital copying and dissemination	digital reproduction <sup>563</sup>

<sup>555</sup> S 52(1) proviso 3(i), (ii).

<sup>556</sup> S 52(6)(c)(v). // TODO – to confirm if (v), (vi) and (vii) relate NOT to an application under subsection(2), but deal generally with subsection (1) applications as well.

<sup>557</sup> S 52(6)(c)(vii). // TODO – to confirm if (v), (vi) and (vii) relate NOT to an application under subsection(2), but deal generally with subsection (1) applications as well.

<sup>558</sup> S 52(6)(c)(vi). // TODO – translation is wrong; has probably missed out the word “not”. Also, as above.

<sup>559</sup> S 52(6)(a).

<sup>560</sup> S 52(3).

<sup>561</sup> S 52(5).

<sup>562</sup> S 52(5).

<sup>563</sup> S 3 (defining "publication" to mean making a work available to the public by issuing "copies"), and "copy" is defined in s 2(1) as "a reproduction in the form of words, picture, sounds, letters, written form or in the form of sound recordings, cinematograph film, graphic picture or in the material or nonmaterial form, digital code (fixed or moving) or whether in two or three or surrealistic dimensions".

	digital publication <sup>564</sup> no digital dissemination <sup>565</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration renewed and effective until Oct 10, 2024
Type(s) of source work(s)	a literary or dramatic work, other than a Bangladeshi work
Licence applicant/entity	any person
Purpose of licence	purpose of teaching, scholarship or research <sup>566</sup>
Condition of licence	<p>licence application may be made:</p> <ul style="list-style-type: none"> <li>* 3 years from first publication</li> <li>* 1 year from first publication (if translation or adaptation is in a language not in general use in any developed country)</li> </ul> <p>(3 years from first publication application) work has not been previously translated into the language in the licence application and published by the owner or authorized person within 3 years of first publication, or if translation has been so published, it has been out of print<sup>567</sup></p> <p>(1 year from first publication application) work has not been previously translated into the language in the licence application and published by the owner or authorized person within 1 years of first publication, or if translation has been so published, it has been out of print<sup>568</sup></p> <p>licence applicant has requested and been denied authorisation by owner of copyright, or was unable to find owner after due diligence, despite sending request to publisher, or owner has demanded more unreasonable royalties than normal selling prices prevailing in Bangladesh by imposing unreasonable conditions for publication of translation or adaptation<sup>569</sup></p>

<sup>564</sup> *Id.*

<sup>565</sup> S 3 (defining "publication" to mean making a work available to the public by "communicating the work to the public") and "communication to the public" is defined in s 2(15) as "making any work available for being seen or heard or otherwise enjoyed by the public through wire and wireless means directly or by any means of display or diffusion other than by issuing copies of such work regardless by any member of the public actually sees, hears or otherwise enjoys the work made available in this manner". But s 3 proviso provides that communication and broadcasting of a literary or an artistic work shall not constitute publication.

<sup>566</sup> S 52(8) Explanation (a) (research does not "not include the purpose of industrial research, or purpose of research by body corporate (except body corporate owned or controlled by the Government) or other societies or body of persons for commercial purposes"). S 52(8) Explanation (b) ("purpose of teaching scholarship, research or scholarship" includes "purposes of instructional activity at all levels in educational institutions, including schools, colleges, universities and tutorial institutions and purposes of all other types of organized educational activities").

<sup>567</sup> S 52(6) proviso 2(ii).

<sup>568</sup> S 52(6) proviso 2(iii).

<sup>569</sup> S 52(6) proviso 3(i), (ii).



	<p>a further period of 6/9 months has lapsed from date licence applicant has made/sent request<sup>570</sup></p> <p>no licence shall be granted if, during further period, a translation into said language has been published by or with authorisation of owner<sup>571</sup></p> <p>if work is composed mainly of illustrations, s 53 conditions are to be fulfilled<sup>572</sup></p> <p>licence applicant is competent to produce and publish a correct translation or adaptation and possesses means to pay copyright owner the royalties due<sup>573</sup></p> <p>opportunity to be heard is given, to owner of copyright, where practicable<sup>574</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>575</sup></p> <p>on all copies of the published translation are printed: the name of author and original title,<sup>576</sup></p> <p>subject to licensee's sale of existing copies, licence terminated (3 months after service of prescribed notice on licensee) if owner has published or authorised the publishing of translated work in the same language and is substantially the same content, at a reasonably related price<sup>577</sup></p>
Compulsory licence fee(s)	in respect of copies of translation sold to public, beneficiary of compulsory licence to pay royalties to owner of copyright, calculated at such rate as Board may determine in prescribed manner <sup>578</sup>
Price of publication	applicant to state proposed retail price of copy <sup>579</sup>
Distribution conditions	copies of translated work may not be exported, except if translation is into a language other than English, French or Spanish, for Bangladesh citizens or association of such

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<sup>570</sup> S 52(6)(c).

<sup>571</sup> S 52(6)(c).

<sup>572</sup> S 52(c)(iv)(2).

<sup>573</sup> S 52(6)(c)(v).

<sup>574</sup> S 52(6)(c)(vii).

<sup>575</sup> S 52(6)(c)(vi).

<sup>576</sup> S 52(6)(c)(iv)(1).

<sup>577</sup> S 54(1).

<sup>578</sup> S 52(6)(a).

<sup>579</sup> S 52(3).

	citizens, residing abroad, or commencement, who will use them only for purpose of teaching, scholarship or research and not for any commercial purpose, and the government of the foreign importing country has agreed to their receipt/distribution <sup>580</sup>
Grantor of compulsory licence	Registrar <sup>581</sup>

Provision	s 52(7)
Nature of compulsory licence for translation for educational purposes	non-exclusive, <sup>582</sup> compulsory licence for producing and publishing a translation or adaptation into any language in general use in Bangladesh, in printed or analogous forms of reproduction, <sup>583</sup> or broadcasting such a translation <sup>584</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction <sup>585</sup> digital publication <sup>586</sup> no digital dissemination <sup>587</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration renewed and effective until Oct 10, 2024
Type(s) of source work(s)	a literary or dramatic work, other than a Bangladeshi work, <sup>588</sup> or any text incorporated in audio-visual fixations prepared and published solely for the purpose of systematic instructional activities <sup>589</sup>
Licence applicant/entity	any broadcasting authority
Purpose of licence	purpose of teaching or for the dissemination of the results or specialized, technical or scientific research to the experts in any particular field <sup>590</sup>
Condition of licence	translation or adaptation is made from a lawfully made or acquired copy <sup>591</sup>

<sup>580</sup> S 52(6)(b) proviso 1 and (i), (ii) and (iii).

<sup>581</sup> S 52(5).

<sup>582</sup> S 52(5).

<sup>583</sup> S 52(7)(a), referring to s 52(2).

<sup>584</sup> See also s 52(7)(d).

<sup>585</sup> S 3 (defining "publication" to mean making a work available to the public by issuing "copies"), and "copy" is defined in s 2(1) as "a reproduction in the form of words, picture, sounds, letters, written form or in the form of sound recordings, cinematograph film, graphic picture or in the material or nonmaterial form, digital code (fixed or moving) or whether in two or three or surrealistic dimensions".

<sup>586</sup> *Id.*

<sup>587</sup> S 3 (defining "publication" to mean making a work available to the public by "communicating the work to the public") and "communication to the public" is defined in s 2(15) as "making any work available for being seen or heard or otherwise enjoyed by the public through wire and wireless means directly or by any means of display or diffusion other than by issuing copies of such work regardless by any member of the public actually sees, hears or otherwise enjoys the work made available in this manner". But s 3 proviso provides that communication and broadcasting of a literary or an artistic work shall not constitute publication.

<sup>588</sup> S 52(7)(a).

<sup>589</sup> S 52(7)(b).

<sup>590</sup> S 52(7)(b) proviso.

<sup>591</sup> S 52(7)(b)(i).

	<p>broadcast is made through medium of sound and visual recordings,<sup>592</sup> which has been lawfully and exclusively made for purpose of broadcasting in Bangladesh by applicant or any other broadcasting agency<sup>593</sup></p> <p>the translation and broadcasting of such translation are not used for any commercial purposes<sup>594</sup></p> <p>licence application may be made:  * 3 years from first publication  * 1 year from first publication (if translation or adaptation is in a language not in general use in any developed country)<sup>595</sup></p> <p>(3 years from first publication application) work has not been previously translated into the language in the licence application and published by the owner or authorized person within 3 years of first publication, or if translation has been so published, it has been out of print<sup>596</sup></p> <p>(1 year from first publication application) work has not been previously translated into the language in the licence application and published by the owner or authorized person within 1 years of first publication, or if translation has been so published, it has been out of print<sup>597</sup></p> <p>licence applicant has requested and been denied authorisation by owner of copyright, or was unable to find owner after due diligence, despite sending request to publisher, or owner has demanded more unreasonable royalties than normal selling prices prevailing in Bangladesh by imposing unreasonable conditions for publication of translation or adaptation<sup>598</sup> (or broadcast)<sup>599</sup></p>
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<sup>592</sup> S 52(7)(b)(ii).

<sup>593</sup> S 52(7)(c).

<sup>594</sup> Para. 5(1)(e), First Schedule.

<sup>595</sup> S 52(8) (applying the provisions of s 52(3) – (5) mutatis mutandis, and s 52(5) in turn referred to in s 52(6)).

<sup>596</sup> S 52(6) proviso 2(ii).

<sup>597</sup> S 52(6) proviso 2(iii).

<sup>598</sup> S 52(6) proviso 3(i), (ii).

<sup>599</sup> S 52(8) (applying the provisions of s 52(3) – (5) mutatis mutandis, and s 52(5) in turn referred to in s 52(6)).

	<p>a further period of 6/9 months has lapsed from date licence applicant has made/sent request<sup>600</sup></p> <p>no licence shall be granted if, during further period, a translation into said language has been published by or with authorisation of owner<sup>601</sup></p> <p>if work is composed mainly of illustrations, s 53 conditions are to be fulfilled<sup>602</sup></p> <p>licence applicant is competent to produce and publish a correct translation or adaptation and possesses means to pay copyright owner the royalties due<sup>603</sup></p> <p>opportunity to be heard is given, to owner of copyright, where practicable<sup>604</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>605</sup></p> <p>on all copies of the published translation are printed: the name of author and original title,<sup>606</sup></p> <p>subject to licensee's sale of existing copies, licence terminated (3 months after service of prescribed notice on licensee) if owner has published or authorised the publishing of translated work in the same language and is substantially the same content, at a reasonably related price<sup>607</sup></p>
Compulsory licence fee(s)	in respect of copies of translation sold to public (or broadcast) <sup>608</sup> , beneficiary of compulsory licence to pay royalties to owner of copyright, calculated at such rate as Board may determine in prescribed manner <sup>609</sup>
Price of publication	applicant to state proposed retail price of copy <sup>610</sup>
Distribution conditions	copies of translated work may not be exported, except if translation is into a language other

<sup>600</sup> S 52(6)(c).<sup>601</sup> S 52(6)(c).<sup>602</sup> S 52(c)(iv)(2).<sup>603</sup> S 52(6)(c)(v).<sup>604</sup> S 52(6)(c)(vii).<sup>605</sup> S 52(6)(c)(vi). // TODO – translation is wrong; has probably missed out the word “not”.<sup>606</sup> S 52(6)(c)(iv)(1).<sup>607</sup> S 54(1).<sup>608</sup> S 52(8) (applying the provisions of s 52(3) – (5) mutatis mutandis, and s 52(5) in turn referred to in s 52(6)).<sup>609</sup> S 52(6)(a).<sup>610</sup> S 52(3).

	than English, French or Spanish, for Bangladesh citizens or association of such citizens, residing abroad, or commencement, who will use them only for purpose of teaching, scholarship or research and not for any commercial purpose, and the government of the foreign importing country has agreed to their receipt/distribution <sup>611</sup>
Grantor of compulsory licence	Registrar <sup>612</sup>

Provision	s 53
Nature of compulsory licence for reproduction for educational purposes	non-exclusive, <sup>613</sup> compulsory licence, for reproducing and publishing in printed or analogous forms of reproduction, or  non-exclusive, <sup>614</sup> compulsory licence, for reproducing and publishing in printed or analogous forms of reproduction, or translation into a language in general use in Bangladesh (of text incorporated in audio-visual fixations prepared and published solely for purpose of systematic instructional activities) <sup>615</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction <sup>616</sup> digital publication <sup>617</sup> no digital dissemination <sup>618</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration renewed and effective until Oct 10, 2024
Type(s) of source work(s)	a work, or a translation or adaptation of a work published by owner of right of translation or authorised person and translation is not in a language in general use in Bangladesh, <sup>619</sup> or  any text incorporated in audio-visual fixations prepared and published solely for purpose of systematic instructional activities <sup>620</sup>

<sup>611</sup> S 52(6)(b) proviso 1 and (i), (ii) and (iii).

<sup>612</sup> S 52(5).

<sup>613</sup> S 53(4).

<sup>614</sup> S 53(4).

<sup>615</sup> S 53(7).

<sup>616</sup> S 3 (defining "publication" to mean making a work available to the public by issuing "copies"), and "copy" is defined in s 2(1) as "a reproduction in the form of words, picture, sounds, letters, written form or in the form of sound recordings, cinematograph film, graphic picture or in the material or nonmaterial form, digital code (fixed or moving) or whether in two or three or surrealistic dimensions".

<sup>617</sup> *Id.*

<sup>618</sup> S 3 (defining "publication" to mean making a work available to the public by "communicating the work to the public") and "communication to the public" is defined in s 2(15) as "making any work available for being seen or heard or otherwise enjoyed by the public through wire and wireless means directly or by any means of display or diffusion other than by issuing copies of such work regardless by any member of the public actually sees, hears or otherwise enjoys the work made available in this manner". But s 3 proviso provides that communication and broadcasting of a literary or an artistic work shall not constitute publication.

<sup>619</sup> S 53(6).

<sup>620</sup> S 53(7).

Licence applicant/entity	any person <sup>621</sup>
Purpose of licence	purposes of systematic instructional activities <sup>622</sup>
Condition of licence	<p>licence application may be made:</p> <ul style="list-style-type: none"> <li>* any work of, or relating to, novel, poetry, drama, music or art - 7 years from first publication, or</li> <li>* any work of, or relating to, natural science, physical science, mathematics or technology</li> <li>* any other work – 5 years from first publication</li> </ul> <p>copies of such work are not made available in Bangladesh, or such copies have not been put on sale in Bangladesh for a period of 6 months, to the general public, or in connection with systematic instructional activities at a reasonable price normally charged in Bangladesh for comparable works by owner of right of reproduction or authorized person<sup>623</sup></p> <p>licence applicant has requested and been denied authorisation by owner of copyright, or was unable to find owner after due diligence, despite sending request to publisher or to any designated national or international information centre<sup>624</sup></p> <p>where licence applicant was unable to find owner of copyright, request for authorization had been sent not less than 3 months before licence application<sup>625</sup></p> <p>a further period of 3/6 months has lapsed from date licence applicant has made/sent request<sup>626</sup></p> <p>no licence shall be granted if, during further period, a translation into said language has been published by or with authorisation of owner<sup>627</sup></p> <p>licence applicant is competent to reproduce and publish an accurate reproduction and possesses means to pay copyright owner the royalties due<sup>628</sup></p>

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<sup>621</sup> S 53(1).

<sup>622</sup> S 53(1).

<sup>623</sup> S 53(1).

<sup>624</sup> S 53(5)(a).

<sup>625</sup> S 53(5)(b).

<sup>626</sup> S 53(5)(e), (f).

<sup>627</sup> S 52(6)(c).

<sup>628</sup> S 53(5)(c).

	<p>licence applicant undertakes to reproduce and publish work at such price as may be fixed by Board being a price reasonably related to price normally charged in Bangladesh for works of same standard on same or similar subjects<sup>629</sup></p> <p>opportunity to be heard is given, to owner of copyright, where practicable<sup>630</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>631</sup></p> <p>on all copies of the reproduction: notice that copy for sale and distribution only in Bangladesh,<sup>632</sup> name of author and title of edition of work<sup>633</sup></p> <p>subject to licensee's sale of existing copies, licence terminated (3 months after service of prescribed notice on licensee) if owner or any person so authorized has sold or distributed or copies of work or translation which is substantially the same content, at a reasonably related price<sup>634</sup></p>
Compulsory licence fee(s)	in respect of copies of reproduction sold to public, licensee to pay royalties to owner of copyright, calculated at such rate as Board may determine in prescribed manner <sup>635</sup>
Price of publication	applicant to state proposed retail price (price at which an edition of such work is sold or at a lower price) <sup>636</sup>
Distribution conditions	copies of work may not be exported outside Bangladesh <sup>637</sup>
Grantor of compulsory licence	Registrar <sup>638</sup>

## 9. TPM/RMI Exceptions for Educational Purposes

<sup>629</sup> S 53(5)(d).

<sup>630</sup> S 53(5)(i).

<sup>631</sup> S 53(5)(h).

<sup>632</sup> S 53(4)(c).

<sup>633</sup> S 53(5)(g)

<sup>634</sup> S 54(2).

<sup>635</sup> S 53(4)(a).

<sup>636</sup> S 53(1), (2).

<sup>637</sup> S 53(4)(b).

<sup>638</sup> S 53(4).

## Bangui Agreement (regional IP agreement)

### 1. Treaties & Legislation

Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization (Bangui (Central African Republic), February 24, 1999), Annex VII (Literary and Artistic Property) (acceded to by Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal, Togo)

### 2. Private/Personal Use

Provision	Arts. 11, 52(i)
Scope of private/personal use	reproduction
Type(s) of source work(s)	a lawfully published work, [performance, broadcast, phonogram] <sup>639</sup>
Entity exercising private/personal use	user
Purpose of private/personal use	exclusively for the private use of the user
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture, fine art in a limited quantity, graphical presentation of musical works (scores), "use once only" exercise manuals and other publications, whole or significant parts of databases, computer programs, "any other reproduction of work that would prejudice normal exploitation of work or would cause unwarranted prejudice to legitimate interests of author" <sup>640</sup>
Subject to Attribution	
Subject to Remuneration	equitable remuneration payable for "personal and private use", to be distributed to authors of literary and artistic works, performers and phonogram producers <sup>641</sup>

Provision	Arts. 52(iii)
Scope of private/personal use	use
Type(s) of source work(s)	a performance, broadcast, phonogram <sup>642</sup>
Entity exercising private/personal use	
Purpose of private/personal use	solely for the purposes of teaching or scientific research
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	

<sup>639</sup> Art. 52(i).

<sup>640</sup> Art. 11(2).

<sup>641</sup> Art. 58(1). Art. 58(2) provides that national laws of member countries shall have the faculty of determining any conditions relating to such remuneration for private copying.

<sup>642</sup> Art. 52(i).



Subject to Remuneration	not required ("without payment of remuneration")
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### 3. Quotations

Provision	Art. 12
Scope of quotation	quote, in another work
Type(s) of source work(s)	a lawfully published work
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation is compatible with fair practice  extent of quotation does not exceed that justified by intended purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, name of author (if available)
Subject to Remuneration	not required ("without payment of a remuneration")

Provision	Art. 52(iv)
Scope of quotation	quote, in the form of short fragments
Type(s) of source work(s)	a performance, a phonogram or a broadcast program
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation complies with fair use and are justified by their informatory aim
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of a remuneration")

### 4. Research/Educational Reproduction

Provision	Art. 13(ii)
Scope of research/educational reproduction	reproduce by reprographic means
Type(s) of source work(s)	lawfully published individual articles from a newspaper or periodical, and short extracts from a lawfully published work
Entity exercising reproduction	teaching establishments whose activities are not directly or indirectly profit-making
Purpose of educational reproduction	for teaching, or for examinations
Condition of reproduction	
Frequency/copies and limits	to the extent justified by the intended purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, name of author (if available)
Subject to Remuneration	not required ("without payment of remuneration")

**5. Educational Publications/Anthologies/Compilations/Composite Works**

Provision	Art. 13(i)
Scope of anthologies/compilations limitation/exception	use in publications
Type(s) of source work(s)	a lawfully published work, [a performance, phonogram, broadcast] <sup>643</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	as an illustration intended for teaching
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, name of author (if available)
Subject to Remuneration	not required ("without payment of remuneration")

**6. School Performances**

Provision	Art. 20(iii)
Scope of school performance	publicly perform
Type(s) of source work(s)	a work, [a performance, phonogram, broadcast] <sup>644</sup>
Entity exercising school performance	a teaching establishment
Purpose of school performance	as part of the activities for the staff and students of such establishment
Condition of school performance	audience is constituted exclusively by the staff and students of the establishment or by the parents and supervisors or other persons directly related to the activities of the establishment
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

**7. Educational Broadcasts/Communications/Recordings**

Provision	Art. 13(i)
Scope of broadcast/communication/recording	use in broadcasts or sound or visual recordings
Type(s) of source work(s)	a lawfully published work
Entity exercising broadcast/communication/recording	

<sup>643</sup> Art. 52(v) (permitting "all other uses that constitute exceptions with respect to works protected by copyright under this Annex").

<sup>644</sup> Art. 52(v) (permitting "all other uses that constitute exceptions with respect to works protected by copyright under this Annex").

Purpose of broadcast/communication/recording	as an illustration intended for teaching
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, name of author (if available)
Subject to Remuneration	not required ("without payment of remuneration")

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Barbados

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 30, 1983 (Paris Act (1971): July 30, 1983)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act, 1998 (Cap. 300) (as revised up to 2006)

### 2. Private/Personal Use

Provision	ss 51, 53
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a literary, dramatic, musical or artistic work
Entity exercising private/personal use	
Purpose of private/personal use	for purposes of research or private study
Condition of private/personal use	to determine if act done in relation to a work constitutes fair dealing, court shall take account of all factors that appear to it to be relevant, including: (a) the nature of the work in question; (b) the extent and portion of that part of the work affected by the act in relation to the whole of the work; (c) the purpose and character of the use; and (d) the effect of the act upon the potential market for, or the commercial value of, the work. <sup>645</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

### 3. Quotations

Provision	ss 52(1)(a), 53
Scope of quotation	fair dealing
Type(s) of source work(s)	a protected work
Entity exercising quotation	
Purpose of quotation	for purposes of criticism or review of that work or of performance of a work
Condition of quotation	to determine if act done in relation to a work constitutes fair dealing, court shall take account

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<sup>645</sup> S 53.

	of all factors that appear to it to be relevant, including: (a) the nature of the work in question; (b) the extent and portion of that part of the work affected by the act in relation to the whole of the work; (c) the purpose and character of the use; and (d) the effect of the act upon the potential market for, or the commercial value of, the work. <sup>646</sup>
Preclusions (not part of quotation)	
Subject to Attribution	title of work (or other description), name of author, unless anonymous or author agreed that no acknowledgement be made, or not possible to ascertain identity for unpublished work <sup>647</sup>
Subject to Remuneration	not required ("does not infringe copyright")

#### 4. Research/Educational Reproduction

Provision	s 55(1)
Scope of research/educational reproduction	reproduction (not by means of a reprographic process)
Type(s) of source work(s)	literary, dramatic, musical or artistic work
Entity exercising reproduction	a person giving or receiving instruction
Purpose of educational reproduction	in the course of instruction or of preparation for instruction
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... is not infringed")

Provision	s 55(3)
Scope of research/educational reproduction	anything done
Type(s) of source work(s)	
Entity exercising reproduction	
Purpose of educational reproduction	an examination by way of setting the questions, communicating the questions to candidates or answering the questions
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... is not infringed")

Provision	s 117(1)(b)
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<sup>646</sup> S 53.

<sup>647</sup> S 51 (defining "sufficient acknowledgment").

Scope of research/educational reproduction	copying
Type(s) of source work(s)	a recording of a performance
Entity exercising reproduction	
Purpose of educational reproduction	setting the questions, or answering the questions in an examination
Condition of reproduction	
Frequency/copies and limits	copy is illicit if copy is sold, let for hire, offered or exposed for sale or hire <sup>648</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("rights ... are not infringed")

Provision	s 117(1)(c)
Scope of research/educational reproduction	anything done
Type(s) of source work(s)	a recording or a performance
Entity exercising reproduction	
Purpose of educational reproduction	for the purposes of an examination by way of communicating the questions to the candidates
Condition of reproduction	
Frequency/copies and limits	copy is illicit if copy is sold, let for hire, offered or exposed for sale or hire <sup>649</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("rights ... are not infringed")

Provision	s 58
Scope of research/educational reproduction	reprographic copies <sup>650</sup>
Type(s) of source work(s)	passages from published literary, dramatic or musical works
Entity exercising reproduction	by or on behalf of an educational establishment
Purpose of educational reproduction	instruction
Condition of reproduction	no copying if, or to extent that, licences are available authorizing copying and person making copies knows or ought to have been aware of licences  term of any licence granted that purports to restrict the proportion of work which may be copied, whether on payment or free of charge,

<sup>648</sup> S 117(2), (3).

<sup>649</sup> S 117(2), (3).

<sup>650</sup> S 2(1) (defining "reprographic process" as a process (a) for making facsimile copies, or (b) involving the use of an appliance for making multiple copies, and, in relation to a work held in electronic form, includes any copying by electronic means, but does not include the making of a film or sound recording).

	to less than that permitted under this section is of no effect
Frequency/copies and limits	not more than 5% in any quarter of the year  reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>651</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without infringing any copyright")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 56
Scope of anthologies/compilations limitation/exception	inclusion in collection
Type(s) of source work(s)	a short passage from a published literary or dramatic work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for use in educational establishments
Condition of anthologies/compilations limitation/exception	collection to be described and advised as being for use in educational establishments  work was not itself published for use of educational establishments  collection consists mainly of material in which no copyright subsists
Frequency/copies and limits	no more than 2 extracts from works by same author <sup>652</sup> contained in collections by same publisher within 5 year period <sup>653</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title (or other description), author (unless anonymous or author agreed no acknowledgement) <sup>654</sup>
Subject to Remuneration	not required ("does not infringe copyright")

#### 6. School Performances

Provision	ss 78, 122
Scope of school performance	playing
Type(s) of source work(s)	a sound recording [and a performance of a sound recording] <sup>655</sup>

<sup>651</sup> S 60.

<sup>652</sup> S 56(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion).

<sup>653</sup> S 44(2).

<sup>654</sup> S 50 (defining "sufficient acknowledgment").

<sup>655</sup> S 122.

Entity exercising school performance	a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare
Purpose of school performance	as part of the activities of, or for the benefit of
Condition of school performance	proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of the copyright/any [related] right[s]")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 55(2)
Scope of broadcast/communication/recording	making a film or film sound-track
Type(s) of source work(s)	sound recording, film, broadcast or cable programme
Entity exercising broadcast/communication/recording	a person giving or receiving instruction
Purpose of broadcast/communication/recording	in the course of instruction or of preparation for instruction, in the making of films or film sound-tracks
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... is not infringed")

Provision	s 117(1)(a)
Scope of broadcast/communication/recording	copying
Type(s) of source work(s)	a recording of a performance
Entity exercising broadcast/communication/recording	a person giving or receiving instruction
Purpose of broadcast/communication/recording	in the course of instruction or of preparation for instruction, in the making of films or film sound-tracks
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	copy is illicit if copy is sold, let for hire, offered or exposed for sale or hire <sup>656</sup>

<sup>656</sup> S 117(2), (3).



Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required (“rights ... are not infringed”)

Provision	ss 58, 118 <sup>657</sup>
Scope of broadcast/communication/recording	recording
Type(s) of source work(s)	broadcast or cable programme or copy of such a recording
Entity exercising broadcast/communication/recording	by or on behalf of educational establishment
Purpose of broadcast/communication/recording	for educational purposes of educational establishment
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	recording of broadcast or cable programme cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>658</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required (“without thereby infringing the copyright/any [] rights”)

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

<sup>657</sup> S 58 exempts from infringement the copyright in the broadcast or cable programme and any work included in it; s 118 exempts from infringement the rights of performance and recording.

<sup>658</sup> S 59, s 117(2) read with s 118.

## Belarus

### 1. Treaties & Legislation

Treaties:

Berne Convention: December 12, 1997 (Paris Act (1971): December 12, 1997)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

Law of the Republic of Belarus No. 262-Z of May 17, 2011, on Copyright and Related Rights

### 2. Private/Personal Use

Provision	Art. 35
Scope of private/personal use	reproduce
Type(s) of source work(s)	lawfully published works and objects of related rights
Entity exercising private/personal use	a physical person
Purpose of private/personal use	exclusively for personal purposes, for personal use, without pursuing of commercial objectives directly or indirectly
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture in the form of buildings and other structures, databases or their essential parts, entire books and sheet music by reprographic reproduction, computer programs, <sup>659</sup> audio visual works, dramatic or dramatico-musical works, choreographic works, pantomines or other scenario works by video recording during public performance at a place open to the public or at a place where persons outside the circle of a family and its close social acquaintances are present
Subject to Attribution	
Subject to Remuneration	for reproduction of audiovisual works and phonograms, remuneration payable by manufacturers of equipment (audio and video players and other equipment) and recording media (films, cassettes, laser discs, compact discs and other such media) commonly used for reproduction of works for personal purposes, to CMO, to be distributed to authors and other holders of copyright, performers and phonogram producers <sup>660</sup>

<sup>659</sup> Art. 39 (excepting use of the computer program and for backup/archival purposes).

<sup>660</sup> Art. 35(3) (providing that the minimum amount of remuneration, terms of payment and proportion of distribution between authors, other holders of rights, performers, phonogram producers shall be determined by Council of Ministers of Belarus).

3. Quotations

Provision	Art. 32(2)
Scope of quotation	use extracts (quotations)
Type(s) of source work(s)	lawfully disclosed works, (performance, phonograms, programs of broadcasting or cablecasting organizations), <sup>661</sup> in original form and in translation
Entity exercising quotation	
Purpose of quotation	for research, educational, polemic, critical or information purposes
Condition of quotation	to the extent justified by the purpose of the quotation
Preclusions (not part of quotation)	
Subject to Attribution	source, author <sup>662</sup>
Subject to Remuneration	not required (“without payment of remuneration for such use (free use)”)

4. Research/Educational Reproduction5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 36(1)
Scope of anthologies/compilations limitation/exception	use, in publications
Type(s) of source work(s)	a lawfully disclosed work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	illustration for educational purposes
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	to the extent justified by the educational purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author
Subject to Remuneration	not required (“used freely”)

6. School Performances

Provision	Art. 32(6)
Scope of school performance	public performance
Type(s) of source work(s)	works, (performance, phonograms, programs of broadcasting or cablecasting organizations) <sup>663</sup>

<sup>661</sup> Art. 32(1).<sup>662</sup> Art. 32(1) (referring to respecting the moral rights of authors and performers of the used works and performances).<sup>663</sup> Art. 32(1).

Entity exercising school performance	non-professional performers and non-professional (amateur) art groups including students, teachers and other employees of educational establishments
Purpose of school performance	
Condition of school performance	such a use is not for profit-making purposes
Preclusions (not part of school performance)	
Subject to Attribution	source, author <sup>664</sup>
Subject to Remuneration	not required ("public performance ... shall be allowed")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 36(1)
Scope of broadcast/communication/recording	use, in radio and television programs and audio and video recordings
Type(s) of source work(s)	a lawfully disclosed work
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	illustration for educational purposes
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	to the extent justified by the educational purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("used freely")

#### 8. Compulsory Licences for Educational Reproductions and Translations

#### 9. TPM/RMI Exceptions for Educational Purposes

<sup>664</sup> Art. 32(1) (referring to respecting the moral rights of authors and performers of the used works and performances).

## Belgium

### 1. Treaties & Legislation

Treaties:

Berne Convention: December 5, 1887 (Paris Act (1971): September 29, 1999)

WIPO Copyright Treaty: August 30, 2006

WIPO Performances and Phonograms Treaty: August 30, 2006

Legislation:

Law of April 19, 2014, inserting Book XI 'Intellectual Property' into Code of Economic Law

### 2. Private/Personal Use

Provision	Art. XI.190.3
Scope of private/personal use	performance
Type(s) of source work(s)	a lawfully published work
Entity exercising private/personal use	
Purpose of private/personal use	private performance
Condition of private/personal use	free carried out exclusively within the family circle
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")

Provision	Art. XI.217.3
Scope of private/personal use	performance
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising private/personal use	
Purpose of private/personal use	private performance
Condition of private/personal use	free
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] do not apply")

Provision	Art. XI.190.9
Scope of private/personal use	reproduction in any medium other than paper or similar media
Type(s) of source work(s)	a lawfully published work
Entity exercising private/personal use	
Purpose of private/personal use	reserved [for use of] the family circle
Condition of private/personal use	carried out in the family circle
Frequency/copies and limits	

Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")

Provision	Art. XI.217.7
Scope of private/personal use	reproduction in any medium other than paper or similar support
Type(s) of source work(s)	a performance
Entity exercising private/personal use	
Purpose of private/personal use	reserved [for the use of] the family circle
Condition of private/personal use	carried out within the family circle
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] do not apply")

### 3. Quotations

Provision	Art. XI.189.1
Scope of quotation	quotations
Type(s) of source work(s)	a lawfully published work
Entity exercising quotation	
Purpose of quotation	critical, controversy, review or teaching purpose or in scientific works
Condition of quotation	in accordance with fair practice and to the extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (unless impossible)
Subject to Remuneration	not required ("do not infringe copyright")

Provision	Art. XI.217.1
Scope of quotation	quotations
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising quotation	
Purpose of quotation	critical, controversy, review or teaching purpose or in scientific works
Condition of quotation	in accordance with fair practice and to the extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] do not apply")

### 4. Research/Educational Reproduction

Provision	Art XI.190.6
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Scope of research/educational reproduction	fragmentary or complete reproduction of (a) fragmentary reproduction of (b) reproduction is done on paper or similar support, using a photographic technique or any other method that produces a similar result
Type(s) of source work(s)	lawfully published: (a) articles, works of graphic or plastic art (b) other works
Entity exercising reproduction	
Purpose of educational reproduction	illustration for teaching or scientific research
Condition of reproduction	extent justified by the nonprofit pursued
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	does not prejudice the normal exploitation of the work
Subject to Attribution	source, including author's name, unless impossible
Subject to Remuneration	not required ("author may not prohibit")

Provision	Art XI.190.7
Scope of research/educational reproduction	fragmentary or complete reproduction of (a) short fragments of (b) reproduction is made in any medium other than on paper or similar support
Type(s) of source work(s)	lawfully published (a) articles, works of graphic or plastic art (b) other works
Entity exercising reproduction	
Purpose of educational reproduction	illustration for teaching or scientific research
Condition of reproduction	
Frequency/copies and limits	extent justified by the nonprofit pursued
Preclusions (not part of research/educational reproduction)	does not prejudice the normal exploitation of the work
Subject to Attribution	source, including author's name, unless impossible
Subject to Remuneration	not required ("author may not prohibit")

Provision	Art XI.217.5
Scope of research/educational reproduction	reproduction, on any medium whatsoever
Type(s) of source work(s)	short fragments of a performance
Entity exercising reproduction	
Purpose of educational reproduction	illustration for teaching or scientific research
Condition of reproduction	extent justified by the nonprofit pursued
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	does not prejudice the normal exploitation of the work
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] do not apply")

5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. XI.189.2
Scope of anthologies/compilations limitation/exception	making of an anthology, by combining
Type(s) of source work(s)	extracts from works
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for teaching
Condition of anthologies/compilations limitation/exception	agreement of authors whose works are extracted  after death of author, consent of rightholder is not required provided choice of the extract, its presentation and its placement [sic] respect the moral rights of the author
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	
Subject to Remuneration	after death of author, fair remuneration is paid, to be agreed between the parties, failing which it will be determined by the judge in accordance with fair practice

6. School Performances

Provision	Art. XI.190.4
Scope of school performance	free performance
Type(s) of source work(s)	a work lawfully published
Entity exercising school performance	
Purpose of school performance	school activities, both in school and outside of it
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")

Provision	Art. XI.190.11
Scope of school performance	free performance
Type(s) of source work(s)	a work lawfully published
Entity exercising school performance	
Purpose of school performance	public examination
Condition of school performance	purpose of performance is not the work itself, but assessment of the performer or performers of the work in view to awarding them a certificate of qualification, a diploma or as part of an approved type of teaching
Preclusions (not part of school performance)	



Subject to Attribution	
Subject to Remuneration	not required (“author may not prohibit”)

Provision	Art XI.217.10
Scope of school performance	performance
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast) <sup>665</sup>
Entity exercising school performance	
Purpose of school performance	during a public examination where the purpose of the performance is not the work itself, but assessment of the performer or performers of the work in view to awarding them a certificate of qualification, a diploma or degree in a recognized educational institution
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required (“[neighbouring rights] do not apply”)

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. XI.217.6
Scope of broadcast/communication/recording	communication
Type(s) of source work(s)	performances
Entity exercising broadcast/communication/recording	recognized institutions or organized officially for that purpose by the authorities
Purpose of broadcast/communication/recording	for purposes of illustration for teaching or scientific research
Condition of broadcast/communication/recording	communication is justified by the non-profit purpose lies within the normal activities of the institution
Frequency/limits of broadcast/communication/recording	done solely by means of closed transmission networks of the institution
Preclusions (not part of broadcast/communication/recording)	does not prejudice the normal exploitation of the performance
Subject to Attribution	
Subject to Remuneration	not required (“[neighbouring rights] do not apply”)

Provision	Art. XI.190.8
Scope of broadcast/communication/recording	communication
Type(s) of source work(s)	works

<sup>665</sup> Art. XI.217 (providing that the related rights for performances, phonograms and broadcasts do not apply where the acts are covered by the following provisions).

Entity exercising broadcast/communication/recording	recognized institutions or organized officially for that purpose by the authorities
Purpose of broadcast/communication/recording	illustration for teaching or scientific research
Condition of broadcast/communication/recording	communication is justified by the non-commercial purpose  communication lies within the normal activities of the institution
Frequency/limits of broadcast/communication/recording	communication is done solely at means of closed transmission networks of the institution
Preclusions (not part of broadcast/communication/recording)	communication does not prejudice the normal exploitation of the work
Subject to Attribution	source, including author's name, unless impossible
Subject to Remuneration	not required ("author may not prohibit")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 291.2
Scope of TPM/RMI restriction	require rightholder who used technological measures in respect of his work/performance to take, in a reasonable timeframe, voluntary measures, including agreements with other parties, to provide for the "beneficiaries" the benefit of the exception
Type(s) of source work(s)	work/subject-matter (but not applicable to works/subject-matter available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them <sup>666</sup> ) to which beneficiary has legal access
Beneficiary exercising restriction	"beneficiaries": users who reproduce work/subject-matter for, <i>inter alia</i> , anthology for teaching (Article XI.189.2), reproduction or communication for illustration for teaching or scientific research (Art. XI.190.6, 7, 8), illustration or communication for teaching or scientific research (Art. XI.217.5, 6)
Purpose of restriction	
Condition of restriction	

<sup>666</sup> Art. XI.291.3 proviso, taken from EU Copyright Directive 2001/29, Art. 6(4).

## Belize

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 17, 2000 (Paris Act (1971): June 17, 2000)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act (Cap. 252, Revised Edition 2000)

### 2. Private/Personal Use

Provision	ss 56, 58
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a “protected work” <sup>667</sup> or [adaptation] <sup>668</sup>
Entity exercising private/personal use	
Purpose of private/personal use	research or private study
Condition of private/personal use	to determine if act done in relation to a work constitutes fair dealing, court shall take account of all factors which appear to it to be relevant, including: (a) the nature of the work in question; (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work; (c) the effect of the act upon the potential market for, or the commercial value of, the work; and (d) the purpose and character of the use. <sup>669</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	person (not researcher or student) <sup>670</sup> 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 <sup>671</sup>
Subject to Attribution	
Subject to Remuneration	not required (“does not infringe copyright”)

### 3. Quotations

Provision	ss 57, 124, 58
Scope of quotation	fair dealing

<sup>667</sup> S 3(1) (defining “protected work” as a literary, dramatic, musical or artistic work, a sound recording, film, broadcast or cable programme, and the typographical arrangement of a published edition).

<sup>668</sup> S 84.

<sup>669</sup> S 58.

<sup>670</sup> Copying by a person other than the researcher or student under s 56 will trigger the preclusion from the exception.

<sup>671</sup> S 56(2)(b).

Type(s) of source work(s)	a work, (a performance or recording) <sup>672</sup> or [adaptation] <sup>673</sup>
Entity exercising quotation	
Purpose of quotation	for purposes of criticism or review of that work or another work/performance/recording or of performance of a work
Condition of quotation	to determine if act done in relation to a work constitutes fair dealing, court shall take account of all factors which appear to it to be relevant, including: (a) the nature of the work in question; (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work; (c) the effect of the act upon the potential market for, or the commercial value of, the work; and (d) the purpose and character of the use. <sup>674</sup>
Preclusions (not part of quotation)	
Subject to Attribution	work: title (or other description), author (unless anonymous or author agreed or required that no acknowledgement be made) <sup>675</sup>
Subject to Remuneration	not required (“does not infringe any copyright/[related] rights”)

#### 4. Research/Educational Reproduction

Provision	s 56
Scope of research/educational reproduction	fair dealing
Type(s) of source work(s)	a “protected work” <sup>676</sup> or [adaptation] <sup>677</sup>
Entity exercising reproduction	
Purpose of educational reproduction	research or private study
Condition of reproduction	to determine if act done in relation to a work constitutes fair dealing, court shall take account of all factors which appear to it to be relevant, including: (a) the nature of the work in question; (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work; (c) the effect of the act upon the potential market for, or the commercial value of, the work; and (d) the purpose and character of the use. <sup>678</sup>

<sup>672</sup> S 124.

<sup>673</sup> S 84.

<sup>674</sup> S 58.

<sup>675</sup> S 55 (defining “sufficient acknowledgment”).

<sup>676</sup> S 3(1) (defining “protected work” as a literary, dramatic, musical or artistic work, a sound recording, film, broadcast or cable programme, and the typographical arrangement of a published edition).

<sup>677</sup> S 84.

<sup>678</sup> S 58.

Frequency/copies and limits	person (not researcher or student) <sup>679</sup> 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 <sup>680</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

Provision	s 60(1)
Scope of research/educational reproduction	copying (not by means of a reprographic process)
Type(s) of source work(s)	a literary, dramatic, musical or artistic work or [adaptation of literary, dramatic, musical work] <sup>681</sup>
Entity exercising reproduction	a person giving or receiving instruction
Purpose of educational reproduction	in the course of instruction or of preparation for instruction
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>682</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... is not infringed")

Provision	s 60(3)
Scope of research/educational reproduction	anything done
Type(s) of source work(s)	
Entity exercising reproduction	
Purpose of educational reproduction	an examination by way of setting the questions, communicating the questions to candidates or answering the questions
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>683</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... is not infringed")

<sup>679</sup> Copying by a person other than the researcher or student under s 56 will trigger the preclusion from the exception.

<sup>680</sup> S 56(2)(b).

<sup>681</sup> S 84.

<sup>682</sup> S 65.

<sup>683</sup> S 65.

Provision	s 126(2)
Scope of research/educational reproduction	copying of, or anything done
Type(s) of source work(s)	a recording of a performance
Entity exercising reproduction	
Purpose of educational reproduction	an examination by way of setting the questions, communicating the questions to candidates or answering the questions
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>684</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("rights ... are not infringed")

Provision	s 64
Scope of research/educational reproduction	reprographic copies <sup>685</sup>
Type(s) of source work(s)	passages from published literary, dramatic or musical works or [adaptations] <sup>686</sup>
Entity exercising reproduction	by or on behalf of an educational establishment
Purpose of educational reproduction	instruction
Condition of reproduction	no copying if, or to extent that, licences under licensing scheme are available authorizing copying and person making copies knows or ought to have been aware of licences  any term of a licence granted 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
Frequency/copies and limits	not more than 5% in any quarter of the year  reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>687</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without infringing any copyright")

## 5. Educational Publications/Anthologies/Compilations/Composite Works

<sup>684</sup> S 126(3).

<sup>685</sup> S 2(1) (defining "reprographic process" as a process (a) for making facsimile copies, or (b) involving the use of an appliance for making multiple copies, and, in relation to a work held in electronic form, includes any copying by electronic means, but does not include the making of a film or sound recording).

<sup>686</sup> S 84.

<sup>687</sup> S 65.

Provision	s 61
Scope of anthologies/compilations limitation/exception	inclusion in collection
Type(s) of source work(s)	a short passage from a published literary or dramatic work or [adaptation] <sup>688</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for use in educational establishments
Condition of anthologies/compilations limitation/exception	collection to be described and advised as being for use in educational establishments  work was not itself published for use of educational establishments  collection consists mainly of material in which no copyright subsists
Frequency/copies and limits	no more than 2 extracts from works by same author <sup>689</sup> contained in collections by same publisher within 5 year period <sup>690</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title, author (unless anonymous or author has previously agreed/required no acknowledgement) <sup>691</sup>
Subject to Remuneration	not required (“does not infringe copyright”)

## 6. School Performances

Provision	s 62(1)
Scope of school performance	performance
Type(s) of source work(s)	a literary, dramatic or musical work or [adaptation] <sup>692</sup>
Entity exercising school performance	by a teacher or pupil, or at the establishment by any person for the purposes of instruction
Purpose of school performance	in the course of the activities of the establishment or for the purposes of instruction
Condition of school performance	audience consisting of teachers and pupils at an educational establishment and other “persons directly connected” <sup>693</sup> with the activities of the establishment
Preclusions (not part of school performance)	

<sup>688</sup> S 84.

<sup>689</sup> S 61(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion).

<sup>690</sup> Ss 61(1)(d), (2).

<sup>691</sup> S 55 (defining “sufficient acknowledgement”).

<sup>692</sup> S 84.

<sup>693</sup> S 62(3) (excluding parents of pupils per se from “persons directly connected with the activities of the educational establishment”).

Subject to Attribution	
Subject to Remuneration	not required (“not a public performance”)

Provision	s 62(2)
Scope of school performance	playing or showing
Type(s) of source work(s)	a sound recording, film, broadcast or cable program
Entity exercising school performance	
Purpose of school performance	for the purposes of instruction
Condition of school performance	audience consisting of teachers and pupils at an educational establishment and other “persons directly connected” <sup>694</sup> with the activities of the establishment
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required (“not a playing or showing of the work in public”)

#### 7. Educational Broadcasts/Communications/Recordings

Provision	ss 63, 127 <sup>695</sup>
Scope of broadcast/communication/recording	recording
Type(s) of source work(s)	broadcast or cable programme or copy of such a recording
Entity exercising broadcast/communication/recording	by or on behalf of educational establishment
Purpose of broadcast/communication/recording	for educational purposes of educational establishment
Condition of broadcast/communication/recording	no recording if, or to extent that, licensing scheme under which licences are available authorising making of such recordings or copies, and person making recordings knows or ought to have been aware <sup>696</sup>  special considerations by Supreme Court regarding the licence charges payable by educational establishments <sup>697</sup>
Frequency/limits of broadcast/communication/recording	recording of broadcast or cable programme cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>698</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	

<sup>694</sup> S 62(3) (excluding parents of pupils per se from “persons directly connected with the activities of the educational establishment”).

<sup>695</sup> S 58 exempts from infringement the copyright in the broadcast or cable programme and any work included in it; s 119 exempts from infringement the rights of performance and recording.

<sup>696</sup> S 63(2).

<sup>697</sup> S 103.

<sup>698</sup> Ss 65, 127(2).



Subject to Remuneration	not required (“without thereby infringing the copyright”)
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- 8. Compulsory Licences for Educational Reproductions and Translations
- 9. TPM/RMI Exceptions for Educational Purposes

## Benin

### 1. Treaties & Legislation

Treaties:

Berne Convention: January 3, 1961 (Paris Act (1971): March 12, 1975)

WIPO Copyright Treaty: April 16, 2006

WIPO Performances and Phonograms Treaty: April 16, 2006

Bangui Agreement 1977

Legislation:

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

### 2. Private/Personal Use

Provision	Art. 13
Scope of private/personal use	private performances
Type(s) of source work(s)	a work lawfully made accessible to the public, (performances, phonograms, broadcasts) <sup>699</sup>
Entity exercising private/personal use	
Purpose of private/personal use	exclusively within the family circle
Condition of private/personal use	no form of revenue generated
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")

Provision	Art. 14
Scope of private/personal use	reproductions, translations or adaptations
Type(s) of source work(s)	lawfully published work, (performances, phonograms, broadcasts) <sup>700</sup>
Entity exercising private/personal use	
Purpose of private/personal use	for strictly personal and private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	architecture, reprographic reproduction of entire book or musical score, all or significant parts of digital databases, computer programs, <sup>701</sup> any other reproduction that would prejudice the normal exploitation of the work or

<sup>699</sup> Art. 69 (providing that all other uses that constitute exceptions with respect to works shall apply to performances, phonograms and broadcasts).

<sup>700</sup> Art. 69 (providing that all other uses that constitute exceptions with respect to works shall apply to performances, phonograms and broadcasts).

<sup>701</sup> Art. 20 (providing that computer programs may be reproduced or adapted for their intended usage, or for backup purposes).

	would cause any prejudice to legitimate interests of author
Subject to Attribution	
Subject to Remuneration	equitable remuneration in the form of levies on physical media used for such reproduction paid by manufacturers/importers of media, <sup>702</sup> and remuneration for use of reprographic apparatus made available to the public by schools, teaching establishments, research institutions, public libraries or establishments, <sup>703</sup> to CMO and distributed to authors, performers, phonogram producers

Provision	Art. 69
Scope of private/personal use	use
Type(s) of source work(s)	performances, phonograms, broadcasts <sup>704</sup>
Entity exercising private/personal use	
Purpose of private/personal use	for private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	not required
Subject to Remuneration	equitable remuneration in the form of levies on physical media used for such reproduction paid by manufacturers/importers of media, <sup>705</sup> and remuneration for use of reprographic apparatus made available to the public by schools, teaching establishments, research institutions, public libraries or establishments, <sup>706</sup> to CMO and distributed to authors, performers, phonogram producers

### 3. Quotations

Provision	Art. 15
Scope of quotation	analyses and short quotations
Type(s) of source work(s)	a work already lawfully made accessible to the public, and their translations
Entity exercising quotation	
Purpose of quotation	intended scientific, critical, polemic, educational or informatory purpose
Condition of quotation	compatible with fair practice
Preclusions (not part of quotation)	
Subject to Attribution	title, author

<sup>702</sup> Arts. 74, 75.

<sup>703</sup> Art. 79.

<sup>704</sup> Art. 1 (defining "broadcasting" to mean the communication of a work, a performance or a phonogram to the public by wireless transmission, including transmission by satellite).

<sup>705</sup> Arts. 74, 75.

<sup>706</sup> Art. 79.

Subject to Remuneration	not required ("shall be lawful")
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Provision	Art. 69
Scope of quotation	use
Type(s) of source work(s)	performances, phonograms, broadcasts
Entity exercising quotation	
Purpose of quotation	quotation, in the form of short fragments
Condition of quotation	quotations are compatible with fair practice and justified by their informatory purpose
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be permitted without the consent of the entitled persons")

#### 4. Research/Educational Reproduction

Provision	Art. 69
Scope of research/educational reproduction	use
Type(s) of source work(s)	performances, phonograms, broadcasts
Entity exercising reproduction	
Purpose of educational reproduction	solely for purposes of teaching or scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be permitted without the consent of the entitled persons")

Provision	Art. 21
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	individual articles lawfully published in a newspaper or periodical, and short extracts from a lawfully published work or a lawfully published short work, and (performances, phonograms, broadcasts) <sup>707</sup>
Entity exercising reproduction	
Purpose of educational reproduction	for teaching or for examinations within teaching establishments whose activities are not directly or indirectly profitmaking,
Condition of reproduction	
Frequency/copies and limits	to the extent justified by intended purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if name given in source)

<sup>707</sup> Art. 69 (providing that all other uses that constitute exceptions with respect to works shall apply to performances, phonograms and broadcasts).

Subject to Remuneration	not required (“shall be permitted without the consent of the entitled persons”)
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#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 21
Scope of anthologies/compilations limitation/exception	use as an illustration in publications
Type(s) of source work(s)	a lawfully published work, and performances, phonograms, broadcasts <sup>708</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	intended for teaching
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if name given in source)
Subject to Remuneration	not required (“shall be permitted without the consent of the entitled persons”)

#### 6. School Performances

Provision	Art. 13
Scope of school performance	private performances
Type(s) of source work(s)	a work lawfully made accessible to the public, (performances, phonograms, broadcasts) <sup>709</sup>
Entity exercising school performance	
Purpose of school performance	for strictly educational or academic purposes
Condition of school performance	given free of charge in a teaching establishment  for the benefit of staff, students and their families
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required (“author may not prohibit”)

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 21
Scope of broadcast/communication/recording	use as an illustration in broadcasts or sound or visual recordings
Type(s) of source work(s)	a lawfully published work, and

<sup>708</sup> Art. 69 (providing that all other uses that constitute exceptions with respect to works shall apply to performances, phonograms and broadcasts).

<sup>709</sup> Art. 69 (providing that all other uses that constitute exceptions with respect to works shall apply to performances, phonograms and broadcasts).

	performances, phonograms, broadcasts <sup>710</sup>
Entity exercising broadcast/communication/recording	by or on behalf of an educational establishment
Purpose of broadcast/communication/recording	intended for teaching
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if name given in source)
Subject to Remuneration	not required ("shall be permitted without the consent of the entitled persons")

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

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<sup>710</sup> Art. 69 (providing that all other uses that constitute exceptions with respect to works shall apply to performances, phonograms and broadcasts).

## Bhutan

### 1. Treaties & Legislation

Treaties:

Berne Convention: November 25, 2004 (Paris Act (1971): November 25, 2004)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act of the Kingdom of Bhutan, 2001

### 2. Private/Personal Use

Provision	s 10
Scope of private/personal use	reproduction
Type(s) of source work(s)	a published work
Entity exercising private/personal use	a physical person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	architecture, reprographic reproduction of whole book or substantial part of musical work in graphic form, database, a computer program, <sup>711</sup> any work where reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author of, or other owner of the copyright in, the work
Subject to Attribution	
Subject to Remuneration	not required (“permitted, without the authorization of the author/owner”)

Provision	s 27a
Scope of private/personal use	use
Type(s) of source work(s)	fixation of performance, sound recording or broadcast
Entity exercising private/personal use	a physical person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required (“[neighbouring rights] shall not apply”)

<sup>711</sup> S 15 (providing for use of computer program and for archival purposes).

### 3. Quotations

Provision	ss 11, 27d
Scope of quotation	reproduction, in the form of quotation, in another work
Type(s) of source work(s)	a short part of a published work, (a performance, sound recording or broadcast) <sup>712</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	reproduction is compatible with fair practice reproduction extent does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("shall be permitted", ("[neighbouring rights] shall not apply")

### 4. Research/Educational Reproduction

Provision	s 12(1)a
Scope of research/educational reproduction	reproduction, by way of illustration, in writings or sound or visual recordings
Type(s) of source work(s)	short part of a published work
Entity exercising reproduction	
Purpose of educational reproduction	for teaching
Condition of reproduction	reproduction is compatible with fair practice
Frequency/copies and limits	extent does not exceed extent justified by purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (on any copy, as far as practicable)
Subject to Remuneration	not required ("without the authorization of the author/owner")

Provision	s 12(1)b
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	of a published article or other short work or short extract of a writing, with or without illustrations
Entity exercising reproduction	
Purpose of educational reproduction	for face-to-face teaching in educational institutions whose activities do not serve direct or indirect commercial gain
Condition of reproduction	no collective licence available for making reproduction (i.e. offered by CMO where educational institution is aware or should be aware of its availability)

<sup>712</sup> S 27d (extending the exceptions in Part II to fixations of performances, sound recordings and broadcasts).



Frequency/copies and limits	act of reproduction is an isolated one occurring, if repeated, on separate and unrelated occasions
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (on any copy, as far as practicable)
Subject to Remuneration	not required ("without the authorization of the author/owner")

Provision	s 27c
Scope of research/educational reproduction	use
Type(s) of source work(s)	fixation of performance, sound recording or broadcast
Entity exercising reproduction	
Purpose of educational reproduction	solely for face-to-face teaching or for scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be permitted", "[neighbouring rights] shall not apply")

5. Educational Publications/Anthologies/Compilations/Composite Works
6. School Performances
7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Bolivia (Plurinational State of)

### 1. Treaties & Legislation

Treaties:

Berne Convention: November 4, 1993 (Paris Act (1971): November 4, 1993)

WIPO Copyright Treaty: signed December 20, 1996

WIPO Performances and Phonograms Treaty: signed December 20, 1996

Legislation:

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

### 2. Private/Personal Use

### 3. Quotations

Provision	Art. 24
Scope of quotation	inclusion within one's own work
Type(s) of source work(s)	short excerpts from disclosed works by others
Entity exercising quotation	
Purpose of quotation	for quotation or for analysis, comment or critical assessment, for educational or research purposes
Condition of quotation	in accordance with proper practice and to the extent justified by the purpose being pursued no infringement of law occurs
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	

### 4. Research/Educational Reproduction

### 5. Educational Publications/Anthologies/Compilations/Composite Works

### 6. School Performances

### 7. Educational Broadcasts/Communications/Recordings

### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 25
Nature of compulsory licence for reproduction for educational purposes	compulsory licence for use
Scope of compulsory licence for digital copying and dissemination	probably digital reproduction probably digital publication <sup>713</sup>

<sup>713</sup> Art. 25 refers to "use", which is broadly defined to encompass all the economic rights. Art. 16 (defining "reproduction" as "the multiplication and material fixation of the work by any procedure enabling it to be made known to the public, such as printing, photography, engraving, lithography, cinematography, phonography, magnetic tape with sounds,

	probably digital dissemination <sup>714</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	a work that is considered of high cultural value for the country, or of social or public interest
Licence applicant/entity	
Purpose of licence	public necessity
Condition of licence	work has been published  copies of last edition are out of print  at least 3 years have elapsed since work was last published
Compulsory licence fee(s)	payment of fair compensation to holder of economic rights in work
Price of publication	
Distribution conditions	
Grantor of compulsory licence	State

9. TPM/RMI Exceptions for Educational Purposes

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images or both, or any other means of reproduction"), and Art. 15 defines the right of "communication to the public" "by means of a performance, broadcast or any other means of distribution").

<sup>714</sup> Art. 25 refers to "use", which is broadly defined to encompass all the economic rights. Thus Art. 17 (defining the "right of representation" which consists of the right of "communication to the public" "by means of any process", and references are made to "transmission via radio, television or analogous systems", "public utilization by any means").

## Bosnia and Herzegovina

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 1, 1992 (Paris Act (1971): March 1, 1992)

WIPO Copyright Treaty: November 25, 2009

WIPO Performances and Phonograms Treaty: November 25, 2009

Legislation:

Copyright and Related Rights Law 2010

### 2. Private/Personal Use

Provision	Art 46(2)
Scope of private/personal use	reproduction
Type(s) of source work(s)	a disclosed work, (performance, phonogram, videogram, broadcast, edition) <sup>715</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	
Condition of private/personal use	(on paper or similar medium) copy made by photocopying or similar technique (on any other media) copy for private use  copies are not intended for or accessible by public  no direct or indirect economic advantage gained
Frequency/copies and limits	only one copy made
Preclusions (not part of private/personal use)	whole of written works – unless book is out of print for at least 2 years sheet music – except by means of handwritten transcription electronic databases and computer programs works of architecture any work if such reproduction would be contrary to the ordinary exploitation of a work and detrimental to the legitimate interests of the author or copyright holder to an unreasonable extent
Subject to Attribution	
Subject to Remuneration	remuneration paid by manufacturer/importer of devices (sound, visual recording devices, photocopying devices) and blank audio/video recording media for photocopying, sound and visual recording (and similar reproduction techniques), by levy on first sale/importation of device/media and by operator on photocopying

<sup>715</sup> Art. 40(2) (applying substantive limitations to copyright mutatis mutandis to related rights).

	services for payment, to author, (performer, phonogram producer, film producer, publisher) <sup>716</sup>
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Provision	Art 145
Scope of private/personal use	use substantial parts
Type(s) of source work(s)	disclosed database
Entity exercising private/personal use	lawful user of database
Purpose of private/personal use	private or another internal use of a non-electronic database for purposes of research or private study <sup>717</sup>
Condition of private/personal use	(on paper or similar medium) copy made by photocopying or similar technique (on any other media) copy for private use  copies are not intended for or accessible by public  no direct or indirect economic advantage gained
Frequency/copies and limits	only one copy made
Preclusions (not part of private/personal use)	whole of written works – unless book is out of print for at least 2 years sheet music – except by means of handwritten transcription works of architecture any work if such reproduction would be contrary to the ordinary exploitation of a work and detrimental to the legitimate interests of the author or copyright holder to an unreasonable extent
Subject to Attribution	not required
Subject to Remuneration	remuneration for photocopying, sound and visual recording (and similar reproduction techniques), by levy on first sale or importation of new technical device, blank recording media, photocopying devices and on made photocopies intended for sale <sup>718</sup>

### 3. Quotations

Provision	Art. 47
Scope of quotation	quote passages and quotations
Type(s) of source work(s)	a disclosed work or individual disclosed works of photography, fine art, architecture, applied art and industrial and graphic design, (performance, phonogram, videogram, broadcast, edition) <sup>719</sup>

<sup>716</sup> Arts. 120, 129, 133, 138.

<sup>717</sup> Art. 145(1)(a) (importing conditions of Art. 46 to private or internal use)

<sup>718</sup> Art. 36. Art. 37 also explains that the manufacturer and/or importer is liable for the levy, except for paid photocopies, where the remuneration is payable by the party rendering photocopying services.

<sup>719</sup> Art. 40(2) (applying substantive limitations to copyright mutatis mutandis to related rights).

Entity exercising quotation	
Purpose of quotation	scientific research, critique, polemic, review, teaching and other reference
Condition of quotation	to the extent justified by need for the intended illustration, confrontation or referral, in accordance with good practices
Preclusions (not part of quotation)	
Subject to Attribution	source and authorship (if indicated on work used)
Subject to Remuneration	not required ("it shall be permitted")

#### 4. Research/Educational Reproduction

Provision	Art. 145(1)(b) <sup>720</sup>
Scope of research/educational reproduction	use substantial parts
Type(s) of source work(s)	disclosed database
Entity exercising reproduction	
Purpose of educational reproduction	teaching (face-to-face)
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source and authorship (if indicated on work used)
Subject to Remuneration	

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 41
Scope of anthologies/compilations limitation/exception	reproduce in/public communication of reading books, textbooks, workbooks and examination material
Type(s) of source work(s)	excerpts from works and individual works of photography, fine art, architecture, applied art, industrial and graphic design and cartography as disclosed works, (performance, phonogram, videogram, broadcast, edition) <sup>721</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	[teaching material and periodicals]
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	

<sup>720</sup> Art. 145(1)(b) (importing Art. 45 exception regarding teaching to databases).

<sup>721</sup> Art. 40(2) (applying substantive limitations to copyright mutatis mutandis to related rights).

Subject to Attribution	source and authorship (if indicated on work used)
Subject to Remuneration	statutory licence/payment of equitable remuneration

## 6. School Performances

Provision	Art. 45(1)(a)
Scope of school performance	publicly perform <sup>722</sup>
Type(s) of source work(s)	disclosed works, (performances, phonograms, videograms, broadcasts, editions) <sup>723</sup>
Entity exercising school performance	
Purpose of school performance	face-to-face teaching
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	source and authorship (if indicated on work used)
Subject to Remuneration	not required ("it shall be permitted")

Provision	Art. 45(1)(b)
Scope of school performance	publicly perform
Type(s) of source work(s)	disclosed works, (performances, phonograms, videograms, broadcasts, editions) <sup>724</sup>
Entity exercising school performance	
Purpose of school performance	school events
Condition of school performance	free entrance to events  performers receive no remuneration for their performance
Preclusions (not part of school performance)	
Subject to Attribution	source, author (if indicated on work used)
Subject to Remuneration	not required ("it shall be permitted")

## 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 41
Scope of broadcast/communication/recording	public communication of reading books, textbooks, workbooks and examination material
Type(s) of source work(s)	excerpts from works and individual works of photography, fine art, architecture, applied art, industrial and graphic design and cartography as disclosed works, (performances,

<sup>722</sup> Art. 25 (defining "public performance" as the "exclusive right to communicate to the public" a work by means of its live reading or reciting, its live performance or its live stage presentation).

<sup>723</sup> Art. 40(2) (applying substantive limitations to copyright mutatis mutandis to related rights).

<sup>724</sup> Art. 40(2) (applying substantive limitations to copyright mutatis mutandis to related rights).

	phonograms, videograms, broadcasts, editions) <sup>725</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	[teaching material and periodicals]
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if indicated on work used)
Subject to Remuneration	statutory licence/payment of equitable remuneration

Provision	Art. 45(1)(c)
Scope of broadcast/communication/recording	publicly communicate, by means of loudspeakers, screens or similar technical devices
Type(s) of source work(s)	broadcast school programs, (performances, phonograms, videograms, broadcasts, editions) <sup>726</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	loudspeakers, screens or similar technical devices to be located within educational institution
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if indicated on work used)
Subject to Remuneration	not required ("it shall be permitted")

## 8. Compulsory Licences for Educational Reproductions and Translations

## 9. TPM/RMI Exceptions for Educational Purposes

Provision	Art 155
Scope of TPM/RMI restriction	exercise substantive limitations to the rights of rightholders (by requiring right holder who uses technological measures to alter or remove the technological measure or in some other way)
Type(s) of source work(s)	
Beneficiary exercising restriction	persons having lawful access to work or subject-matter

<sup>725</sup> Art. 40(2) (applying substantive limitations to copyright mutatis mutandis to related rights).

<sup>726</sup> Art. 40(2) (applying substantive limitations to copyright mutatis mutandis to related rights).



Purpose of restriction	[inter alia] use for purpose of teaching <sup>727</sup>
Condition of restriction	

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<sup>727</sup> Art. 155(3)(b).

## Botswana

### 1. Treaties & Legislation

Treaties:

Berne Convention: April 15, 1998 (Paris Act (1971): April 15, 1998)

WIPO Copyright Treaty: January 27, 2005

WIPO Performances and Phonograms Treaty: January 27, 2005

Legislation:

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

### 2. Private/Personal Use

Provision	s 13
Scope of private/personal use	private reproduction
Type(s) of source work(s)	a published work, (a performance, sound recording or broadcast) <sup>728</sup>
Entity exercising private/personal use	any person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a database, computer [sic] [program] <sup>729</sup> , any work where “reproduction would conflict with a normal exploitation of work or unreasonably prejudice legitimate interests of author or other copyright owner”
Subject to Attribution	
Subject to Remuneration	not required (“without the authorization of the author/owner”)

### 3. Quotations

Provision	s 14
Scope of quotation	reproduction
Type(s) of source work(s)	a short part of a published work, (a performance, sound recording or broadcast) <sup>730</sup>
Entity exercising quotation	
Purpose of quotation	in the form of quotation
Condition of quotation	reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose

<sup>728</sup> S 28(a) (applying limitations on protection for authorship rights to neighbouring rights).

<sup>729</sup> S 17 (excepting use of the computer program and for backup/archival purposes).

<sup>730</sup> S 28(d) (applying limitations on protection for authorship rights to neighbouring rights).

Preclusions (not part of quotation)	
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("without the authorization of the author/owner")

#### 4. Research/Educational Reproduction

Provision	s 15(1)(a)
Scope of research/educational reproduction	reproduction by way of illustration, in writings or sound or visual recordings
Type(s) of source work(s)	short part of a published work
Entity exercising reproduction	
Purpose of educational reproduction	for teaching purposes
Condition of reproduction	reproduction is compatible with fair practice
Frequency/copies and limits	reproduction does not exceed the extent justified
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author, as far as practicable on all copies
Subject to Remuneration	not required ("without the authorization of the author/owner")

Provision	ss 15(1)(b)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	published articles, other short works or short extracts of works
Entity exercising reproduction	
Purpose of educational reproduction	for face-to-face teaching in education institutions the activities of which do not serve direct or indirect commercial gain
Condition of reproduction	no collective licence available, offered by a collective administration organization of which educational institution is or should be aware, under which such reproduction can be made
Frequency/copies and limits	act of reproduction is an isolated one occurring, if repeated, on separate and unrelated occasions
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author, as far as practicable on all copies
Subject to Remuneration	not required ("without the authorization of the author/owner")

Provision	s 28(c)
Scope of research/educational reproduction	use

Type(s) of source work(s)	a performance, sound recording or broadcast <sup>731</sup>
Entity exercising reproduction	
Purpose of educational reproduction	for face-to-face teaching activities or for "scientific research" <sup>732</sup>
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

5. Educational Publications/Anthologies/Compilations/Composite Works

6. School Performances

Provision	s 28(c)
Scope of school performance	use
Type(s) of source work(s)	a performance, sound recording or broadcast <sup>733</sup>
Entity exercising school performance	
Purpose of school performance	for face-to-face teaching activities or for "scientific research" <sup>734</sup>
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

7. Educational Broadcasts/Communications/Recordings

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

<sup>731</sup> S 28(c) (applying limitations on protection for authorship rights to neighbouring rights).

<sup>732</sup> S 28(c) and (d) (applying limitations on protection for authorship rights to neighbouring rights).

<sup>733</sup> S 28(c) (applying limitations on protection for authorship rights to neighbouring rights).

<sup>734</sup> S 28(c) and (d) (applying limitations on protection for authorship rights to neighbouring rights).

## Brazil

### 1. Treaties & Legislation

Treaties:

Berne Convention: February 9, 1922 (Paris Act (1971): April 20, 1975)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law No. 9.610 of February 19, 1998 (Law on Copyright and Neighboring Rights) (all references are by default to this law)

Law No. 9.609 of February 19, 1998 (Law on Protection of Intellectual Property of Software, its Commercialization in the Country, and Other Provisions)

### 2. Private/Personal Use

Provision	Art. 46.II
Scope of private/personal use	reproduction
Type(s) of source work(s)	short extracts from a work, (a performance, phonogram, broadcast) <sup>735</sup>
Entity exercising private/personal use	
Purpose of private/personal use	private use of the copier
Condition of private/personal use	copy done by [entity]  copy done without gainful intent
Frequency/copies and limits	one copy
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute violation of copyright")

Provision	Art. 46.VI
Scope of private/personal use	stage and musical performance
Type(s) of source work(s)	[a work], (a performance, phonogram, broadcast) <sup>736</sup>
Entity exercising private/personal use	carried out in the family circle
Purpose of private/personal use	devoid of any profitmaking purpose
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	

<sup>735</sup> Art. 89 (applying provisions on authors' rights mutatis mutandis to the rights of performers, producers of phonograms and broadcasting organizations).

<sup>736</sup> Art. 89 (applying provisions on authors' rights mutatis mutandis to the rights of performers, producers of phonograms and broadcasting organizations).

Subject to Remuneration	not required ("shall not constitute violation of copyright")
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### 3. Quotations

Provision	Art. 46.III
Scope of quotation	quotation in books, newspapers, magazines or any other medium of communication
Type(s) of source work(s)	passages from a work, (a performance, phonogram, broadcast) <sup>737</sup>
Entity exercising quotation	
Purpose of quotation	for the purposes of study, criticism or debate
Condition of quotation	to extent justified by purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("shall not constitute violation of copyright")

Provision	Art. 6.II, Law No. 9.609 of February 19, 1998 (Law on Protection of Intellectual Property of Software, its Commercialization in the Country, and Other Provisions)
Scope of quotation	partial quotes
Type(s) of source work(s)	a computer program
Entity exercising quotation	
Purpose of quotation	for teaching purposes
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	program and title-holder of respective rights
Subject to Remuneration	not required ("not constitute offense to the rights")

### 4. Research/Educational Reproduction

Provision	Art. 46.IV
Scope of research/educational reproduction	notes taken in the course of lessons given in teaching establishments
Type(s) of source work(s)	[lessons], (a performance, phonogram, broadcast) <sup>738</sup>
Entity exercising reproduction	[students] persons for whom lessons are intended
Purpose of educational reproduction	
Condition of reproduction	complete or partial publication is prohibited without the express prior authorization of person who gave lessons
Frequency/copies and limits	

<sup>737</sup> Art. 89 (applying provisions on authors' rights mutatis mutandis to the rights of performers, producers of phonograms and broadcasting organizations).

<sup>738</sup> Art. 89 (applying provisions on authors' rights mutatis mutandis to the rights of performers, producers of phonograms and broadcasting organizations).

Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute violation of copyright")

5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances

Provision	Art. 46.VI
Scope of school performance	stage and musical performance
Type(s) of source work(s)	[a work], (a performance, phonogram, broadcast) <sup>739</sup>
Purpose of school performance	for exclusively teaching purposes in educational establishments
Condition of school performance	devoid of any profitmaking purpose
Entity exercising school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute violation of copyright")

7. Educational Broadcasts/Communications/Recordings8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes


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<sup>739</sup> Art. 89 (applying provisions on authors' rights mutatis mutandis to the rights of performers, producers of phonograms and broadcasting organizations).

## Brunei Darussalam

### 1. Treaties & Legislation

Treaties:

Berne Convention: August 30, 2006 (Paris Act (1971): August 30, 2006)

WIPO Copyright Treaty: May 2, 2017

WIPO Performances and Phonograms Treaty: May 2, 2017

Legislation:

Emergency (Copyright) Order, 1999

### 2. Private/Personal Use

Provision	s 33(1), (2)
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, typographical arrangement of a published edition
Entity exercising private/personal use	
Purpose of private/personal use	research or private study
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	copying by a person other than researcher or student is not fair dealing if “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” <sup>740</sup>
Subject to Attribution	
Subject to Remuneration	not required (“does not infringe any copyright”)

### 3. Quotations

Provision	s 34
Scope of quotation	fair dealing
Type(s) of source work(s)	a work <sup>741</sup>
Entity exercising quotation	
Purpose of quotation	criticism or review, of that or another work or of a performance of a work
Condition of quotation	reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose
Preclusions (not part of quotation)	

<sup>740</sup> S 33(3)(b).

<sup>741</sup> S 3(1) (defining “work” as an original literary, dramatic, musical or artistic work, a sound recording, a film, a broadcast, a cable programme, and the typographical arrangement of published editions).



Subject to Attribution	title, author (unless anonymous, or author identity cannot be ascertained by reasonable inquiry for unpublished work) <sup>742</sup>
Subject to Remuneration	not required (“does not infringe any copyright”)

Provision	para. 2(a), Second Schedule
Scope of quotation	fair dealing
Type(s) of source work(s)	a performance or recording <sup>743</sup>
Entity exercising quotation	
Purpose of quotation	criticism or review, of that or another work or of a performance of a work
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required (“does not infringe any of the rights”)

#### 4. Research/Educational Reproduction

Provision	s 33(1), (2)
Scope of research/educational reproduction	fair dealing
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, typographical arrangement of a published edition
Entity exercising reproduction	
Purpose of educational reproduction	research or private study
Condition of reproduction	
Frequency/copies and limits	copying by a person other than researcher or student is not fair dealing if “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” <sup>744</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required (“does not infringe any copyright”)

Provision	s 36(1)
Scope of research/educational reproduction	copying
Type(s) of source work(s)	literary, dramatic, musical or artistic work
Entity exercising reproduction	a person giving or receiving the instruction
Purpose of educational reproduction	in the course of instruction, or of preparation for instruction

<sup>742</sup> S 2(1) (defining “sufficient acknowledgement”).

<sup>743</sup> S 180(b) (defining “recording” as the recording of the performance of a performer).

<sup>744</sup> S 33(3)(b).

Condition of reproduction	not by means of a reprographic process
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>745</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required (“copyright ... is not infringed”)

Provision	s 36(3), para 4(2), Second Schedule
Scope of research/educational reproduction	anything done [including the copying of a recording of a performance] <sup>746</sup> by way of setting the questions, communicating the questions to the candidates, or answering the questions
Type(s) of source work(s)	
Entity exercising reproduction	
Purpose of educational reproduction	purpose of an examination
Condition of reproduction	does not apply to making of a reprographic copy of a musical work for use by an examination candidate in performing the work <sup>747</sup>
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>748</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required (“copyright is not infringed”, “the rights ... are not infringed”)

Provision	s 40
Scope of research/educational reproduction	reprographic copies <sup>749</sup>
Type(s) of source work(s)	passages from published literary, dramatic or musical works
Entity exercising reproduction	by or on behalf of an “educational establishment” <sup>750</sup>
Purpose of educational reproduction	instruction
Condition of reproduction	no copying if, or to extent that, licences are available authorizing copying and person

<sup>745</sup> S 36(5).

<sup>746</sup> Para 4(2), Second Schedule.

<sup>747</sup> S 36(4).

<sup>748</sup> S 36(5), Para 4(3), Second Schedule.

<sup>749</sup> S 2(1) (defining “reprographic copying” as copying by means of a reprographic process, and a “reprographic process” as a process for making facsimile copies or involving the use of an appliance for making multiple copies, and includes any copying by electronic means, but does not include the making of a film or sound recording).

<sup>750</sup> S 177 (defining an “educational establishment” as any school or description of educational establishment as prescribed by Ministerial order).

	making copies knows or ought to have been aware of licences <sup>751</sup>  terms of a licence granted so far as they purport to restrict the proportion of a work which may be copied (whether on payment or not) to less than that which would be permitted under this section are of no effect <sup>752</sup>
Frequency/copies and limits	not more than 1% in any quarter of the year  reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>753</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without infringing any copyright")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 37
Scope of anthologies/compilations limitation/exception	inclusion, in a collection
Type(s) of source work(s)	a short passage from a published literary or dramatic work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for use [for the educational purposes] <sup>754</sup> in an educational establishment
Condition of anthologies/compilations limitation/exception	collection is so described in its title and in any publisher's advertisement  collection consists mainly of material in which no copyright subsists  work itself is not intended for use in educational establishment
Frequency/copies and limits	no more than 2 excerpts from works by same author <sup>755</sup> contained in collections by same publisher within 5 year period <sup>756</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	

<sup>751</sup> S 40(3). Statutory licensing scheme for educational institutions is set out in ss 148-152.

<sup>752</sup> S 40(4).

<sup>753</sup> S 40(5).

<sup>754</sup> S 37(4).

<sup>755</sup> S 37(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion).

<sup>756</sup> S 44(2).

Subject to Attribution	title, author (unless anonymous, or author identity cannot be ascertained by reasonable inquiry for unpublished work) <sup>757</sup>
Subject to Remuneration	not required (“does not infringe the copyright”)

## 6. School Performances

Provision	s 38(1)
Scope of school performance	performance
Type(s) of source work(s)	a literary, dramatic or musical work
Entity exercising school performance	a teacher or student in the course of the activities of the establishment, or any person at the educational establishment for purpose of instruction
Purpose of school performance	
Condition of school performance	audience consisting of teachers and students at an educational establishment and other persons “directly connected” <sup>758</sup> with its activities
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required (“is not a public performance”)

Provision	s 38(2); para 5(1), Second Schedule
Scope of school performance	playing or showing
Type(s) of source work(s)	a sound recording, film, broadcast or cable programme
Entity exercising school performance	
Purpose of school performance	purpose of instruction
Condition of school performance	audience consisting of teachers and students at an educational establishment and other persons “directly connected” <sup>759</sup> with its activities
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required (“is not a public performance”, “is not a playing/showing of a performance in public”)

Provision	s 70; para 15, Second Schedule
Scope of school performance	playing
Type(s) of source work(s)	a sound recording
Entity exercising school performance	
Purpose of school performance	as part of the activities of, or for the benefit of, a club, society or other similar organisation

<sup>757</sup> S 2(1) (defining “sufficient acknowledgement”).

<sup>758</sup> S 38(3) (“A person is not for this purpose directly connected with the activities of the educational establishment only because he is the parent of a student at the establishment.”)

<sup>759</sup> S 38(3) (“A person is not for this purpose directly connected with the activities of the educational establishment only because he is the parent of a student at the establishment.”), Para 5(2), Second Schedule.

Condition of school performance	organisation is not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare  proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organisation
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of the copyright/any [neighbouring] right")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 36(2); para 4(1), Second Schedule
Scope of broadcast/communication/recording	copying by making a film or film sound-track, (or a recording of,) <sup>760</sup>
Type(s) of source work(s)	sound recording, film, broadcast or cable programme, (performance) <sup>761</sup>
Entity exercising broadcast/communication/recording	a person giving or receiving the instruction
Purpose of broadcast/communication/recording	in the course of instruction, or of preparation for instruction, in the making of films or film sound-tracks
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>762</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright/[neighbouring] rights ... is/are not infringed")

Provision	s 39; para 6(1), Second Schedule
Scope of broadcast/communication/recording	recording, or copy of a recording
Type(s) of source work(s)	a broadcast or cable programme
Entity exercising broadcast/communication/recording	by or on behalf of an educational establishment
Purpose of broadcast/communication/recording	for its educational purposes
Condition of broadcast/communication/recording	no recording if certified licensing scheme under s 135 providing for grant of licences

<sup>760</sup> Para 4(1), Second Schedule.

<sup>761</sup> *Id.*

<sup>762</sup> S 36(5).

	special considerations by Copyright Tribunal regarding the licence charges payable by educational establishments under a s 135 licensing scheme <sup>763</sup>
Frequency/limits of broadcast/communication/recording	reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>764</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("without thereby infringing ... copyright/[neighbouring] rights")

Provision	s 36(3); para 4(2), Second Schedule
Scope of broadcast/communication/recording	anything done [including the copying of a recording of a performance] <sup>765</sup> by way of setting the questions, communicating the questions to the candidates, or answering the questions
Type(s) of source work(s)	
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	purpose of an examination
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>766</sup>
Preclusions (not part of broadcast/communication/recording)	does not apply to making of a reprographic copy of a musical work for use by an examination candidate in performing the work <sup>767</sup>
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... is not infringed")

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

<sup>763</sup> S 135(2) ("The Copyright Tribunal shall, in considering what charges (if any) should be paid for a licence, have regard to the extent to which the owners of copyright in the works included in the broadcast or cable programme have already received, or are entitled to receive, payment in respect of their inclusion.")

<sup>764</sup> S 39(3), Para 6(2), Second Schedule.

<sup>765</sup> Para 4(2), Second Schedule.

<sup>766</sup> S 36(5), Para 4(3), Second Schedule.

<sup>767</sup> S 36(4).

## Bulgaria

### 1. Treaties & Legislation

Treaties:

Berne Convention: December 5, 1921 (Paris Act (1971): December 4, 1974)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

Law on Copyright and Neighboring Rights (as amended in 2011)

### 2. Private/Personal Use

Provision	Art. 25(1).2
Scope of private/personal use	reproduction, regardless of the carrier
Type(s) of source work(s)	works, performances, <sup>768</sup> phonograms, <sup>769</sup> films <sup>770</sup>
Entity exercising private/personal use	natural person
Purpose of private/personal use	for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture, computer software <sup>771</sup>  where normal use of the work is not hampered or legitimate interests of owner of copyright are not impaired <sup>772</sup>
Subject to Attribution	
Subject to Remuneration	compensatory remuneration payable by blank information carrier [manufacturer/retailer/importer] primarily intended for reproduction of works for personal use by natural persons, through collecting societies to authors, performers, producers <sup>773</sup>

Provision	Art. 25(1).1
Scope of private/personal use	reproduction, on paper or other similar carrier by reprography or other technique
Type(s) of source work(s)	printed works, except note materials
Entity exercising private/personal use	
Purpose of private/personal use	non-commercial purposes
Condition of private/personal use	

<sup>768</sup> Art. 84 (applying exceptions by analogy to performances).

<sup>769</sup> Art. 90 (applying exceptions by analogy to phonograms).

<sup>770</sup> Art. 90c (applying exceptions by analogy to films).

<sup>771</sup> Art. 25(2).

<sup>772</sup> Art. 23 ("The free use of works shall be permissible only in the cases, pointed out in the law, under the condition, that the normal use of the work is not hampered and the legitimate interests of the owner of the copyright are not impaired.").

<sup>773</sup> Art. 26.

Frequency/copies and limits	
Preclusions (not part of private/personal use)	where normal use of the work is not hampered or legitimate interests of owner of copyright are not impaired <sup>774</sup>
Subject to Attribution	
Subject to Remuneration	compensatory remuneration payable by blank information carrier [manufacturer/retailer/importer] primarily intended for reproduction of works for personal use by natural persons, through collecting societies to authors and publishers of print works <sup>775</sup>

Provision	Art. 93g(1)
Scope of private/personal use	extraction and reutilization
Type(s) of source work(s)	a substantial part of contents of non-electronic database
Entity exercising private/personal use	lawful user of database
Purpose of private/personal use	personal use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	

### 3. Quotations

Provision	Art. 24(1).2
Scope of quotation	use of quotations
Type(s) of source work(s)	works of other persons already made available to the public films, <sup>776</sup> broadcasts <sup>777</sup>
Entity exercising quotation	
Purpose of quotation	criticism or overview
Condition of quotation	quotation must comply with the usual practice quotation to be in amount, justified by purpose
Preclusions (not part of quotation)	computer software <sup>778</sup>

<sup>774</sup> Art. 23 ("The free use of works shall be permissible only in the cases, pointed out in the law, under the condition, that the normal use of the work is not hampered and the legitimate interests of the owner of the copyright are not impaired.")

<sup>775</sup> Art. 26.

<sup>776</sup> Art. 90c (applying exceptions by analogy to films).

<sup>777</sup> Art. 93 (applying exceptions by analogy to broadcasts).

<sup>778</sup> Art. 24(2) (providing that provisions of Art. 24(1) shall not include computer software; instead, Arts. 70 and 71 apply).



	normal use of work is not hampered and legitimate interests of owner of copyright are not impaired <sup>779</sup>
Subject to Attribution	source, author, unless impossible
Subject to Remuneration	not required ("without payment of compensation")

#### 4. Research/Educational Reproduction

Provision	Art. 24(1).9
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	already published works
Entity exercising reproduction	publicly accessible libraries, educational or other learning establishments, museums and archive institutions
Purpose of educational reproduction	educational purposes or with purpose of preservation of the works
Condition of reproduction	not for commercial purposes  does not include computer software <sup>780</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	normal use of work is not hampered and legitimate interests of owner of copyright are not impaired <sup>781</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without payment of compensation")

Provision	Art. 93g.2
Scope of research/educational reproduction	extraction and reutilization of a substantial part of contents
Type(s) of source work(s)	publicly available database
Entity exercising reproduction	lawful user of database
Purpose of educational reproduction	for illustration for teaching and scientific research
Condition of reproduction	
Frequency/copies and limits	to extent justified by the purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source
Subject to Remuneration	

<sup>779</sup> Art. 23 ("The free use of works shall be permissible only in the cases, pointed out in the law, under the condition, that the normal use of the work is not hampered and the legitimate interests of the owner of the copyright are not impaired.").

<sup>780</sup> Art. 24(2) (providing that provisions of Art. 24(1) shall not include computer software; instead, Arts. 70 and 71 apply).

<sup>781</sup> Art. 23 ("The free use of works shall be permissible only in the cases, pointed out in the law, under the condition, that the normal use of the work is not hampered and the legitimate interests of the owner of the copyright are not impaired.").

5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 24(1).3
Scope of anthologies/compilations limitation/exception	use, in other works
Type(s) of source work(s)	parts of published works and of “not big number [sic]” of [other/unpublished] works published phonograms, <sup>782</sup> films, <sup>783</sup> broadcasts <sup>784</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for scientific and educational purposes
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	in amount necessary for analysis, commentary or other kind of scientific research
Preclusions (not part of anthologies/compilations limitation/exception)	does not include computer software <sup>785</sup>  normal use of work is not hampered and legitimate interests of owner of copyright are not impaired <sup>786</sup>
Subject to Attribution	source, author, unless impossible
Subject to Remuneration	not required (“without payment of compensation”)

6. School Performances

Provision	Art. 24(1).8
Scope of school performance	public presentation and public performance
Type(s) of source work(s)	published works, performances, <sup>787</sup> phonograms, <sup>788</sup> films, <sup>789</sup> broadcasts <sup>790</sup>
Purpose of school performance	
Condition of school performance	no pecuniary revenues are received  no compensation is paid to participants in preparation and realization of presentation or performance
Entity exercising school performance	in educational or other learning establishments

<sup>782</sup> Art. 90 (applying exceptions by analogy to phonograms).<sup>783</sup> Art. 90c (applying exceptions by analogy to films).<sup>784</sup> Art. 93 (applying exceptions by analogy to broadcasts).<sup>785</sup> Art. 24(2) (providing that provisions of Art. 24(1) shall not include computer software; instead, Arts. 70 and 71 apply).<sup>786</sup> Art. 23 (“The free use of works shall be permissible only in the cases, pointed out in the law, under the condition, that the normal use of the work is not hampered and the legitimate interests of the owner of the copyright are not impaired.”).<sup>787</sup> Art. 84 (applying exceptions by analogy to performances).<sup>788</sup> Art. 90 (applying exceptions by analogy to phonograms).<sup>789</sup> Art. 90c (applying exceptions by analogy to films).<sup>790</sup> Art. 93 (applying exceptions by analogy to broadcasts).

Preclusions (not part of school performance)	computer software <sup>791</sup>  normal use of work is not hampered and legitimate interests of owner of copyright are not impaired <sup>792</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without payment of compensation")

7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

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<sup>791</sup> Art. 24(2) (providing that provisions of Art. 24(1) shall not include computer software; instead, Arts. 70 and 71 apply).

<sup>792</sup> Art. 23 ("The free use of works shall be permissible only in the cases, pointed out in the law, under the condition, that the normal use of the work is not hampered and the legitimate interests of the owner of the copyright are not impaired.").

## Burkina Faso

### 1. Treaties & Legislation

Treaties:

Berne Convention: August 19, 1963 (Paris Act (1971): January 24, 1976)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Bangui Agreement 1977

Legislation:

Law No. 032-99/AN of December 22, 1999, on the Protection of Literary and Artistic Property

### 2. Private/Personal Use

Provision	Art. 21
Scope of private/personal use	performances
Type(s) of source work(s)	legally disclosed work, (performance, phonogram, videogram, broadcast) <sup>793</sup>
Entity exercising private/personal use	
Purpose of private/personal use	private and gratuitous
Condition of private/personal use	held exclusively within the family circle
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")

Provision	Art. 21
Scope of private/personal use	copies or reproductions
Type(s) of source work(s)	a legally disclosed work, (performance, phonogram, videogram, broadcast) <sup>794</sup>
Entity exercising private/personal use	
Purpose of private/personal use	strictly for the private use of copier
Condition of private/personal use	not intended for collective use
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture (for purposes identical to original works), whole or substantial part of a database, computer programs <sup>795</sup>
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")

Provision	Art. 82
Scope of private/personal use	reproduction

<sup>793</sup> Art. 80 (applying by extension exceptions in relation to copyright to neighbouring rights).

<sup>794</sup> Art 80, item 1. See also Art. 80, item 5 (applying by extension exceptions in relation to copyright to neighbouring rights).

<sup>795</sup> Art. 23 (excepting use of the computer program and for backup/archival purposes).

Type(s) of source work(s)	works fixed on phonograms and videograms
Entity exercising private/personal use	
Purpose of private/personal use	personal and private use
Condition of private/personal use	not intended for collective use
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	remuneration payable by manufacturer and importer of recording media that may be used for the reproduction of private use of works fixed on phonograms or videograms, <sup>796</sup> to account of CMOs, to be distributed among authors, performers, producers of phonograms or videograms <sup>797</sup>

### 3. Quotations

Provision	Art. 22
Scope of quotation	analyses and short quotations
Type(s) of source work(s)	work has been legally disclosed
Entity exercising quotation	
Purpose of quotation	justified by critical, polemic, educational, scientific or informative nature of the work in which they are incorporated
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("author may not prohibit")

Provision	Art. 80, item 4
Scope of quotation	citations, as short fragments
Type(s) of source work(s)	a performance, phonogram, videogram or broadcast
Entity exercising quotation	
Purpose of quotation	justified by information aim
Condition of quotation	citations properly used
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("permitted without the authorization of the [neighbouring rights owners]")

### 4. Research/Educational Reproduction

Provision	Art. 80, item 3
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<sup>796</sup> Art. 83 (excepting recording media acquired for professional purposes for use or production, or for purpose of assisting persons with visual or auditory disabilities).

<sup>797</sup> Art. 82 further spells out the distribution formula for the collected remuneration. See also Art. 84 (prescribing the amount of remuneration depending on the type of medium and recording time it offers).

Scope of research/educational reproduction	use
Type(s) of source work(s)	performance, phonogram, videogram or broadcast
Entity exercising reproduction	
Purpose of educational reproduction	solely for educational or scientific research purposes
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required (“permitted without the authorization of the [neighbouring rights owners]”)

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 22
Scope of anthologies/compilations limitation/exception	use by means of publication
Type(s) of source work(s)	literary or artistic works
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	teaching examples
Condition of anthologies/compilations limitation/exception	use is not abusive use devoid of any commercial purpose
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	
Subject to Remuneration	not required (“author may not prohibit”)

#### 6. School Performances

Provision	Art. 80, item 3
Scope of school performance	use
Type(s) of source work(s)	performance, phonogram, videogram or broadcast
Entity exercising school performance	
Purpose of school performance	solely for educational or scientific research purposes
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required (“permitted without the authorization of the [neighbouring rights owners]”)

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 22
Scope of broadcast/communication/recording	use by means of broadcasting or audio or visual recordings
Type(s) of source work(s)	literary or artistic works
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching examples
Condition of broadcast/communication/recording	use is not abusive use devoid of any commercial purpose
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

## Burundi

### 1. Treaties & Legislation

Treaties:

Berne Convention: April 12, 2016 (Paris Act (1971): April 12, 2016)

WIPO Copyright Treaty: April 12, 2016

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law No. 1/021 of December 30, 2005, on the Protection of Copyright and Related Rights in Burundi

### 2. Private/Personal Use

Provision	Art. 26.1(a)
Scope of private/personal use	reproduction, translation, adaptation, arrangement or other transformation
Type(s) of source work(s)	any work that has been lawfully published, and (a performance, phonogram and broadcast) <sup>798</sup>
Entity exercising private/personal use	
Purpose of private/personal use	user's own personal or private use
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or major parts of a digital database, computer programs <sup>799</sup> , any work where "reproduction would conflict with a normal use of the work or would unreasonably prejudice legitimate interests of author"
Subject to Attribution	
Subject to Remuneration	not required ("permissible without the author's consent")

Provision	Art. 82(a)
Scope of private/personal use	use
Type(s) of source work(s)	a performance, phonogram and broadcast <sup>800</sup>
Entity exercising private/personal use	
Purpose of private/personal use	personal purposes
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	

<sup>798</sup> Art. 82(a) (extending limitations under Part One of the law to Part Two to encompass performances, phonograms and broadcasts). But see Art. 84.

<sup>799</sup> Art. 27 (excepting use of the computer program and for backup/archival purposes).

<sup>800</sup> Art. 82(a) (extending limitations under Part One of the law to Part Two to encompass performances, phonograms and broadcasts). But see Art. 84.



Subject to Attribution	
Subject to Remuneration	not required (“[neighbouring rights] shall not be applicable”)

Provision	Arts. 34, 84
Scope of private/personal use	reproduction
Type(s) of source work(s)	legally published audiovisual work or a sound recording, (performance, phonogram)
Entity exercising private/personal use	
Purpose of private/personal use	exclusively for user’s private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	equitable remuneration paid by producers/importers of physical media/devices used for reproduction, collected by CMO for distribution to authors, performers and phonogram producers <sup>801</sup>

### 3. Quotations

Provision	Art. 26.1(b)
Scope of quotation	inclusion of quotations, in another work
Type(s) of source work(s)	any lawfully published work, newspaper articles and periodicals in the form of press summaries
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotations is compatible with fair practice  extent does not exceed extent justified by purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required (“permissible without the author’s consent”)

Provision	Art. 82(d)
Scope of quotation	reproduction, in the form of quotation
Type(s) of source work(s)	a short part of a performance, a phonogram or a broadcast
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	reproduction is compatible with fair practice  extent does not exceed extent justified by purpose
Preclusions (not part of quotation)	
Subject to Attribution	

<sup>801</sup> Arts. 34, 85.

Subject to Remuneration	not required (“[neighbouring rights] shall not be applicable”)
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#### 4. Research/Educational Reproduction

Provision	Art. 26.5
Scope of research/educational reproduction	reproduction by a photographic or similar process
Type(s) of source work(s)	lawfully-published literary and artistic work, and (a performance, phonogram and broadcast) <sup>802</sup>
Entity exercising reproduction	public libraries, non-commercial documentation centers, scientific institutions and educational establishments
Purpose of educational reproduction	
Condition of reproduction	
Frequency/copies and limits	reproduction and number of copies made are limited to the needs of entity’s regular activities
Preclusions (not part of research/educational reproduction)	reproduction does not conflict with the normal uses of the work nor unreasonably prejudices the legitimate interests of the author
Subject to Attribution	
Subject to Remuneration	not required (“permissible without the author’s consent”)

Provision	Art. 82(c)
Scope of research/educational reproduction	use
Type(s) of source work(s)	performance, phonogram and broadcast
Entity exercising reproduction	
Purpose of educational reproduction	solely for teaching activities or scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required (“[neighbouring rights] shall not be applicable”)

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 26.1(c)
Scope of anthologies/compilations limitation/exception	use of work by way of illustration in publications
Type(s) of source work(s)	lawfully published work
Entity exercising anthologies/compilations limitation/exception	

<sup>802</sup> Art. 82(e) (extending limitations under Part One of the law to Part Two to encompass performances, phonograms and broadcasts).

Purpose of anthologies/compilations limitation/exception	for teaching for use in schools, educational establishments, universities and professional training
Condition of anthologies/compilations limitation/exception	use is compatible with fair practice
Frequency/copies and limits	to the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("permissible without the author's consent")

#### 6. School Performances

Provision	Art. 82(c)
Scope of school performance	use
Type(s) of source work(s)	performance, phonogram and broadcast
Entity exercising school performance	
Purpose of school performance	solely for teaching activities or scientific research
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not be applicable")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 26.1(c)
Scope of broadcast/communication/recording	use of work by way of illustration in broadcasts or sound or visual recordings, or communication
Type(s) of source work(s)	lawfully published work
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	broadcasts or sound or visual recordings: for teaching to the extent justified by the purpose  communication: for teaching purposes of the work, broadcast or distributed by cable for use in schools, educational establishments, universities and professional training
Condition of broadcast/communication/recording	use is compatible with fair practice
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("permissible without the author's consent")

Provision	Art. 82(c)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	performance, phonogram and broadcast
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	solely for teaching activities or scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not be applicable")

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 32
Nature of compulsory licence for translation for educational purposes	compulsory licence for translation into Kirundi, Swahili, English or French and the publication of that translation on the territory of Burundi
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>803</sup> no digital dissemination <sup>804</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	a work
Licence applicant/entity	
Purpose of licence	
Condition of licence	conditions specified in the regulations on translation licences annexed to this Act
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	competent authority

Provision	Art. 33
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<sup>803</sup> Art. 1(x) (defining "reproduction" as "the making of one or more copies of a work or phonogram, or a part of both, in any manner or form, including the recording of sounds and images and permanent or temporary storage of the work or phonogram in electronic form"), and Art. 1(p) (defining "published work" as "work of which copies have been made accessible to the public with the consent of the author, provided that, taking into account the nature of the work, the number of such published copies is enough to satisfy the market").

<sup>804</sup> Art. 1(c) (defining "communication to the public" as "the transmission by wire or wireless means of the image, the sound, or the image and sound, of a work, a performance or a phonogram in such a way that the image, the sound, or the image and sound, may be perceived by persons outside the normal circle of a family and its closest social acquaintances at a place or places so distant from the place where the transmission originates that, without the transmission, the image or sound would not be perceivable in that or those places, irrespective of whether the persons can receive the image or sound at the same place and time, or at different places or times decided by them individually"), which is not referred to in Art. 32; nor defined in Art. 1(p) (defining a "publication") as including a "communication to the public".

Nature of compulsory licence for reproduction for educational purposes	compulsory licence for reproduction and publication, on the territory of Burundi
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>805</sup> no digital dissemination <sup>806</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	[reproduction of] a work and [publication of] a particular edition of the work
Licence applicant/entity	
Purpose of licence	
Condition of licence	conditions specified in the regulations on translation licences annexed to this Act
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	competent authority

#### 9. TPM/RMI Exceptions for Educational Purposes

<sup>805</sup> Art. 1(x) (defining "reproduction" as "the making of one or more copies of a work or phonogram, or a part of both, in any manner or form, including the recording of sounds and images and permanent or temporary storage of the work or phonogram in electronic form"), and Art. 1(p) (defining "published work" as "work of which copies have been made accessible to the public with the consent of the author, provided that, taking into account the nature of the work, the number of such published copies is enough to satisfy the market").

<sup>806</sup> Art. 1(c) (defining "communication to the public" as "the transmission by wire or wireless means of the image, the sound, or the image and sound, of a work, a performance or a phonogram in such a way that the image, the sound, or the image and sound, may be perceived by persons outside the normal circle of a family and its closest social acquaintances at a place or places so distant from the place where the transmission originates that, without the transmission, the image or sound would not be perceivable in that or those places, irrespective of whether the persons can receive the image or sound at the same place and time, or at different places or times decided by them individually"), which is not referred to in Art. 32; nor defined in Art. 1(p) (defining a "publication") as including a "communication to the public".

## Cabo Verde

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 7, 1997 (Paris Act (1971): July 7, 1997)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Decree-Law No. 1/2009 of April 27, 2009, revising the Law on Copyright

### 2. Private/Personal Use

Provision	Arts. 62.1(l), 63
Scope of private/personal use	reproduction, translation, adaptation, arrangement, or any other alteration
Type(s) of source work(s)	lawfully published or disclosed works
Entity exercising private/personal use	
Purpose of private/personal use	individual and private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture, reprographic reproduction of 3D arts of limited printruns, musical scores, exercise manuals and “other publications as long as people use them only once”, whole or substantial part of a database, computer program <sup>807</sup> , any other reproduction which “damages its normal exploitation or causes unjustified prejudice to the legitimate interests of the author” <sup>808</sup>
Subject to Attribution	title, author <sup>809</sup>
Subject to Remuneration	not required (“without any need for compensation”)

Provision	Art. 62.1(a)
Scope of private/personal use	performance, execution, cinematographic showing
Type(s) of source work(s)	recorded or broadcast (lawfully published or disclosed) works
Entity exercising private/personal use	
Purpose of private/personal use	performance etc. take place in private
Condition of private/personal use	no paid entry  without profit

<sup>807</sup> S 17 (excepting use of the computer program and for backup/archival purposes).

<sup>808</sup> Art. 63(e).

<sup>809</sup> Art. 61(1).

Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	title, author <sup>810</sup>
Subject to Remuneration	not required (“without any need for compensation”)

Provision	Art. 73
Scope of private/personal use	reproduction
Type(s) of source work(s)	lawfully published audiovisual work or sound recording
Entity exercising private/personal use	
Purpose of private/personal use	private use by the user
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	fair remuneration paid by importers and sellers of apparatus and material carriers used for reproduction or recording, received by CMO for distribution to authors, performers, phonogram and videogram producers

### 3. Quotations

Provision	Art. 62.1(f)
Scope of quotation	citation
Type(s) of source work(s)	short excerpts of another author's work, whether in written, audio or visual form
Entity exercising quotation	
Purpose of quotation	for scientific, critical or didactic reasons or for information
Condition of quotation	excerpts are not so extensive as to lessen interest in the work
Preclusions (not part of quotation)	
Subject to Attribution	title, author <sup>811</sup>
Subject to Remuneration	not required (“without any need for compensation”)

### 4. Research/Educational Reproduction

Provision	Art. 62.1(b)
Scope of research/educational reproduction	reproduction by photographic processes or any other similar processes
Type(s) of source work(s)	

<sup>810</sup> Art. 61(1).

<sup>811</sup> Art. 61(1).

Entity exercising reproduction	libraries, archives and non-commercial documentation centers, scientific institutes or teaching establishments
Purpose of educational reproduction	exclusively didactic, research or professional training purposes
Condition of reproduction	
Frequency/copies and limits	copies reproduced do not exceed the needs of the purpose for which they are intended
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	title, author <sup>812</sup>
Subject to Remuneration	not required ("without any need for compensation")

Provision	Art. 72
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	works which are not yet available in trade or are impossible to obtain
Entity exercising reproduction	
Purpose of educational reproduction	purely scientific or humanitarian interest purposes
Condition of reproduction	
Frequency/copies and limits	a single copy for the time necessary for their use
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("shall ... be permitted")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

#### 6. School Performances

Provision	Art. 62.1(a)
Scope of school performance	performance, execution, cinematographic showing
Type(s) of source work(s)	recorded or broadcast (lawfully published or disclosed) works
Entity exercising school performance	
Purpose of school performance	in school establishments for exclusively educational, research or professional training purposes
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	title, author <sup>813</sup>
Subject to Remuneration	not required ("without any need for compensation")

<sup>812</sup> Art. 61(1).

<sup>813</sup> Art. 61(1).



**7. Educational Broadcasts/Communications/Recordings**

Provision	Art. 62.1(a)
Scope of broadcast/communication/recording	communication
Type(s) of source work(s)	recorded or broadcast (lawfully published or disclosed) works
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for exclusively educational, research or professional training purposes
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	in school establishments
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	title, author <sup>814</sup>
Subject to Remuneration	not required ("without any need for compensation")

**8. Compulsory Licences for Educational Reproductions and Translations**

Provision	Art. 75
Nature of compulsory licence for translation for educational purposes	non-exclusive inalienable compulsory licence, for translation, publication and/or reproduction in Cape Verde <sup>815</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>816</sup> probably no digital dissemination <sup>817</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	work already lawfully disclosed into Portuguese or Cape Verdean creole, which its author has not withdrawn from circulation
Licence applicant/entity	an audio or audiovisual broadcasting organisation with headquarters in Cape Verde
Purpose of licence	for exclusively teaching or scientific research purposes

<sup>814</sup> Art. 61(1).<sup>815</sup> However, export of such copies to citizens domiciled abroad, within the limits strictly necessary and with express prohibition on its commercialization, is allowed. Art. 75.1(c).<sup>816</sup> Art. 36.1(a) (defining the economic right of publication or reproduction as one of "publication or reproduction of [author's] work by any means and the distribution to the public of the respective copies"); Art. 6(l) (defining "reproduction" as "the making of one or several copies of a literary, artistic or scientific work, in whole or in part, on any form of material and by whatever means, including graphic editions and audio or visual recordings, which allow indirect communication with the public"); Art. 6(n) (defining "distribution" as "act of making available to the public, directly or indirectly, a significant quantity of works, phonograms or videograms, for sale, hire or loan;").<sup>817</sup> Art. 36.1(b) (defining the separate economic right of "communication to the public of his work, by any means, notably performance, broadcasting, audio or visual, and rebroadcasting, by any means"), but distinguishing between "communication" and "publication" in that in the latter, copies of the work are made. Cf. *ibid*, the definition of "reproduction" as allowing "indirect communication with the public".

	exclusively for teaching or scientific research purposes, in audiovisual fixations for school or scientific use <sup>818</sup>
Condition of licence	1 year has elapsed since first publication/reproduction of work in original language; or 3 years have elapsed since first publication/reproduction of work in Portuguese or Cape Verdean creole, without another translation having been published or copies of reproduction being exhausted during this period <sup>819</sup>  licensee proves that authorization was requested but not granted from rights holder, or it was not possible to find, despite reasonable efforts, the rights holder <sup>820</sup>  title and author to be indicated on all copies of published translation/reproductions <sup>821</sup>
Compulsory licence fee(s)	beneficiary of compulsory licence to be guaranteed fair and equitable compensation <sup>822</sup>
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Government department responsible for culture sector <sup>823</sup>

Provision	Art. 75
Nature of compulsory licence for reproduction for educational purposes	non-exclusive inalienable compulsory licence, for reproduction in Cape Verde <sup>824</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>825</sup> probably no digital dissemination <sup>826</sup>
Facilities provided in Paris Act, Appendix	

<sup>818</sup> Art. 75.2.

<sup>819</sup> Art. 75.1(a).

<sup>820</sup> Art. 75.1(b).

<sup>821</sup> Art. 75.3.

<sup>822</sup> Art. 75.1(d).

<sup>823</sup> Art. 75.4.

<sup>824</sup> However, export of such copies to citizens domiciled abroad, within the limits strictly necessary and with express prohibition on its commercialization, is allowed. Art. 75.1(c).

<sup>825</sup> Art. 36.1(a) (defining the economic right of publication or reproduction as one of "publication or reproduction of [author's] work by any means and the distribution to the public of the respective copies"); Art. 6(l) (defining "reproduction" as "the making of one or several copies of a literary, artistic or scientific work, in whole or in part, on any form of material and by whatever means, including graphic editions and audio or visual recordings, which allow indirect communication with the public"); Art. 6(n) (defining "distribution" as "act of making available to the public, directly or indirectly, a significant quantity of works, phonograms or videograms, for sale, hire or loan;").

<sup>826</sup> Art. 36.1(b) (defining the separate economic right of "communication to the public of his work, by any means, notably performance, broadcasting, audio or visual, and rebroadcasting, by any means"), but distinguishing between "communication" and "publication" in that in the latter, copies of the work are made. Cf. *ibid*, the definition of "reproduction" as allowing "indirect communication with the public".

Type(s) of source work(s)	work already lawfully disclosed into Portuguese or Cape Verdean creole, which its author has not withdrawn from circulation
Licence applicant/entity	[includes] <sup>827</sup> an audio or audiovisual broadcasting organisation with headquarters in Cape Verde
Purpose of licence	for exclusively teaching or scientific research purposes  exclusively for teaching or scientific research purposes, in audiovisual fixations for school or scientific use <sup>828</sup>
Condition of licence	1 year has elapsed since first publication/reproduction of work in original language; or 3 years have elapsed since first publication/reproduction of work in Portuguese or Cape Verdean creole, without another translation having been published or copies of reproduction being exhausted during this period <sup>829</sup>  licensee proves that authorization was requested but not granted from rights holder, or it was not possible to find the rights holder, despite reasonable efforts <sup>830</sup>  title and author to be indicated on all copies of published translation/reproductions <sup>831</sup>
Compulsory licence fee(s)	beneficiary of compulsory licence to be guaranteed fair and equitable compensation <sup>832</sup>
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Government department responsible for culture sector <sup>833</sup>

## 9. TPM/RMI Exceptions for Educational Purposes

<sup>827</sup> Art. 75.2 (referring to a licence which “may” be granted to an audio or audiovisual broadcasting organization).

<sup>828</sup> Art. 75.2.

<sup>829</sup> Art. 75.1(a).

<sup>830</sup> Art. 75.1(b).

<sup>831</sup> Art. 75.3.

<sup>832</sup> Art. 75.1(d).

<sup>833</sup> Art. 75.4.

## Cambodia

### 1. Treaties & Legislation

Treaties:

Berne Convention: not a party

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law on Copyright and Related Rights 2003

### 2. Private/Personal Use

Provision	Art. 24
Scope of private/personal use	private reproduction
Type(s) of source work(s)	a published work, (performances, phonograms, video productions and broadcasts) <sup>834</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a database, computer program <sup>835</sup> , any work where “reproduction would conflict with a normal exploitation of work or unreasonably prejudice legitimate interests of author or rightholder”
Subject to Attribution	
Subject to Remuneration	not required (“without the authorization of the author/rightholder”)

Provision	Art. 25(1).a
Scope of private/personal use	free and private representations
Type(s) of source work(s)	works, (performances, phonograms, video productions and broadcasts) <sup>836</sup>
Entity exercising private/personal use	
Purpose of private/personal use	exclusively to a close circle of people such as family or friends
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required (“author cannot prohibit”)

<sup>834</sup> Art. 50(e).

<sup>835</sup> Other than a backup-copy. Art. 24(d).

<sup>836</sup> Art. 50(e).

**3. Quotations**

Provision	Art. 25(2).1
Scope of quotation	analyses and short quotations
Type(s) of source work(s)	a work
Entity exercising quotation	
Purpose of quotation	justified by the critical, polemical, pedagogical, scientific or informative nature of that work
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("not subjected to any prohibitions by the author")

Provision	Art. 28
Scope of quotation	cite/reproduction, in another work
Type(s) of source work(s)	a legitimately published work
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	citation does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("without payment of any remuneration")

Provision	Art. 50(d)
Scope of quotation	quotation
Type(s) of source work(s)	short citation extracted from performance, phonogram or broadcast
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation is conformed to reasonable practice and justified by proper informative objective
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of any remuneration")

**4. Research/Educational Reproduction**

Provision	Art. 25(1).c
Scope of research/educational reproduction	use
Type(s) of source work(s)	work
Entity exercising reproduction	
Purpose of educational reproduction	education
Condition of reproduction	which is not for financial gain

Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("author cannot prohibit")

Provision	Art. 29(b)
Scope of research/educational reproduction	reproduce (by reprographic means)
Type(s) of source work(s)	any separated articles, articles of the newspaper or magazine, or short extracts of any legally published works
Entity exercising reproduction	
Purpose of educational reproduction	used for teaching or for examinations held by any educational establishments
Condition of reproduction	activities do not lead directly or indirectly to commercial gain and must be done with appropriate reason according to this specific objective
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("without payment of any remuneration")

Provision	Art. 50(b)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	performances, phonograms, video productions and broadcasts <sup>837</sup>
Entity exercising reproduction	
Purpose of educational reproduction	scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of any remuneration")

Provision	Art. 50(c)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	performances, phonograms, video productions and broadcasts, <sup>838</sup> except for performances or phonograms produced for educational purposes
Entity exercising reproduction	

<sup>837</sup> Art. 50.<sup>838</sup> Art. 50.

Purpose of educational reproduction	educational purpose
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of any remuneration")

5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 29(a)
Scope of anthologies/compilations limitation/exception	use for the purpose of illustration in publication such as book or newspaper
Type(s) of source work(s)	a legally published work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	intended for educational purposes
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("without payment of any remuneration")

6. School Performances

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 29(a)
Scope of broadcast/communication/recording	use by broadcasting, or by audio or visual screening
Type(s) of source work(s)	a legally published work
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	intended for educational purposes
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("without payment of any remuneration")

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes



## Cameroon

### 1. Treaties & Legislation

Treaties:

Berne Convention: September 21, 1964 (Paris Act (1971): November 10, 1973)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Bangui Agreement 1977

Legislation:

Law No. 2000/011 of December 19, 2000 on Copyright and Neighbouring Rights

### 2. Private/Personal Use

Provision	s 29(1)(c)
Scope of private/personal use	reproductions and transformations
Type(s) of source work(s)	work published with authorization of author
Entity exercising private/personal use	
Purpose of private/personal use	strictly personal and private use of the person who makes them
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	any collective use or any exploitation for profit <sup>839</sup>  works of architecture, reprographic reproduction of whole book or musical notation, a database, computer program <sup>840</sup> , any work where reproduction would “violate the normal exploitation of work or which will be unjustifiably detrimental to the legitimate interests of the author” <sup>841</sup>
Subject to Attribution	
Subject to Remuneration	remuneration to be paid by manufacturer/importer of recording media used making personal and private reproductions of works or recordings fixed on phonograms or videograms, <sup>842</sup> and by manufacturer/importer of machines used for reproduction of printed works for personal and private use, <sup>843</sup> to be payable through CMOs to authors, performers, producers and publishers

<sup>839</sup> S 29(1)(c).

<sup>840</sup> S 36 (excepting use of a database, the reproduction of minor parts of a database, reproduction for backup/archival purposes and for software development purposes).

<sup>841</sup> S 29(3).

<sup>842</sup> Ss 69-70 (remuneration for private copying of works, recordings fixed on phonograms, videograms).

<sup>843</sup> Ss 72-73 (remuneration for private copying of printed works).

Provision	s 67(1)(b)
Scope of private/personal use	reproductions
Type(s) of source work(s)	performance, phonogram, videogram, audiovisual programmes <sup>844</sup>
Entity exercising private/personal use	
Purpose of private/personal use	strictly private use of the person who makes them
Condition of private/personal use	not intended for collective use
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	remuneration to be paid by manufacturer/importer of recording media used making personal and private reproductions of works or recordings fixed on phonograms or videograms, <sup>845</sup> to be payable through CMOs to authors, performers, producers

Provision	s 29(1)(a)
Scope of private/personal use	private performance
Type(s) of source work(s)	work published with authorization of author
Entity exercising private/personal use	
Purpose of private/personal use	strictly within family circles
Condition of private/personal use	no proceeds accruing
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required (“author ... may not forbid”)

Provision	s 67(1)(a)
Scope of private/personal use	private performance
Type(s) of source work(s)	performance, phonogram, videogram, audiovisual programmes <sup>846</sup>
Entity exercising private/personal use	
Purpose of private/personal use	exclusive family setting
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required (“beneficiaries of [neighbouring] rights ... may not prohibit”)

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<sup>844</sup> S 67(1)(a).

<sup>845</sup> Ss 69-70 (remuneration for private copying of works, recordings fixed on phonograms, videograms).

<sup>846</sup> S 67(1)(a).

**3. Quotations**

Provision	s 29(d)
Scope of quotation	analysis, press reviews, short quotations
Type(s) of source work(s)	work published with authorization of author
Entity exercising quotation	
Purpose of quotation	critical, pedagogic, scientific or informative nature of the work
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("author ... may not forbid")

Provision	s 67(1)(c)
Scope of quotation	analyses and short quotations
Type(s) of source work(s)	performance, phonogram, videogram, audiovisual programmes <sup>847</sup>
Entity exercising quotation	
Purpose of quotation	critical, controversial, pedagogic, scientific or informative nature of the work containing them
Condition of quotation	analyses and short quotations made necessary by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("beneficiaries of [neighbouring] rights ... may not prohibit")

**4. Research/Educational Reproduction****5. Educational Publications/Anthologies/Compilations/Composite Works**

Provision	s 29(1)(e)
Scope of anthologies/compilations limitation/exception	use through publication
Type(s) of source work(s)	literary or artistic works published with authorization of author
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	as teaching illustration
Condition of anthologies/compilations limitation/exception	use is fair and non-profit making
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	
Subject to Remuneration	not required ("author ... may not forbid")

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<sup>847</sup> S 67(1).

6. School Performances

Provision	s 29(1)(b)
Scope of school performance	performance
Type(s) of source work(s)	work published with authorization of author
Entity exercising school performance	
Purpose of school performance	educational and academic purposes
Condition of school performance	performances given free of charge  performances within premises reserved for such purposes
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("author ... may not forbid")

7. Educational Broadcasts/Communications/Recordings

Provision	s 29(1)(e)
Scope of broadcast/communication/recording	use through broadcast programmes or sound or visual recordings
Type(s) of source work(s)	literary or artistic works
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	as teaching illustration
Condition of broadcast/communication/recording	use is fair and non-profit making
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("author ... may not forbid")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

## Canada

### 1. Treaties & Legislation

Treaties:

Berne Convention: April 10, 1928 (Paris Act (1971): June 26, 1998)

WIPO Copyright Treaty: August 13, 2014

WIPO Performances and Phonograms Treaty: August 13, 2014

Legislation:

Copyright Act (R.S.C., 1985, c. C-42) (as amended up to June 22, 2016)

### 2. Private/Personal Use

Provision	s 29
Scope of private/personal use	fair dealing
Type(s) of source work(s)	work, performance, sound recording, broadcast (communication signal)
Entity exercising private/personal use	
Purpose of private/personal use	research, private study, education
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

Provision	s 29.22
Scope of private/personal use	reproduce
Type(s) of source work(s)	(whole or any substantial part of) work, subject matter
Entity exercising private/personal use	an individual
Purpose of private/personal use	reproduction is used only for individual's private purposes
Condition of private/personal use	copy of source work/subject matter is not an infringing copy  entity legally obtained copy of source work/subject matter, other than by borrowing or renting it, and owns or is authorised to use medium/device <sup>848</sup> on which source was reproduced  entity did not circumvent, or cause to be circumvented, TPMs, when making reproduction  entity does not give reproduction away

<sup>848</sup> S 29.22(2) (defining medium or device as including digital memory in which a work/subject-matter may be stored for pu rpose of allowing the telecommunication of the work/subject-matter through the Internet or other digital network).

Frequency/copies and limits	provision does not apply if entity gives away, rents or sells copy of work/subject matter from which reproduction is made without first destroying all reproductions of that copy made under this provision
Preclusions (not part of private/personal use)	source work/subject matter as a musical work embodied in a sound recording, performance of a musical work embodied in a sound recording or a sound recording in which a musical work/performance of a musical work is embodied, where reproduction is made onto audio recording medium in s 79 (see below)
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of copyright")

Provision	s 80
Scope of private/personal use	reproduce, onto audio recording medium
Type(s) of source work(s)	(whole or any substantial part of) a musical work embodied in a sound recording, a performance of a musical work embodied in a sound recording or a sound recording in which a musical work/performance of a musical work is embodied
Entity exercising private/personal use	a person
Purpose of private/personal use	reproduction for entity's (as person who makes the copy) private use
Condition of private/personal use	copy of source work/subject matter is not an infringing copy  entity legally obtained copy of source work/subject matter, other than by borrowing or renting it, and owns or is authorised to use medium/device on which source was reproduced  entity did not circumvent, or cause to be circumvented, TPMs, when making reproduction  entity does not give reproduction away
Frequency/copies and limits	provision does not apply if act of reproduction is done for purpose of doing any of the following: - selling or renting out, or by way of trade, exposing or offering for sale or rental; - distributing, whether or not for the purpose of trade; - communicating to the public by telecommunication; or - performing, or causing to be performed, in public <sup>849</sup>

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<sup>849</sup> s 80(2).

Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	remuneration for reproduction, by levy on manufacturer/importer of blank audio recording media, <sup>850</sup> payable to, among others, CMOs to be distributed to authors, performers and sound recording makers <sup>851</sup>

Provision	s 30.01(5)
Scope of private/personal use	reproduction
Type(s) of source work(s)	lesson (pursuant to s 30.01(3)(a)), received by means of communication by telecommunication
Entity exercising private/personal use	a student
Purpose of private/personal use	in order to be able to listen to or view it at a more convenient time
Condition of private/personal use	student to destroy reproduction within 30 days after day of final course evaluations
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of copyright")

Provision	s 30.02(2)
Scope of private/personal use	print
Type(s) of source work(s)	digital reproduction communicated by telecommunications
Entity exercising private/personal use	person (to whom work has been communicated under s 30.02(1)(b)) acting under authority of educational institution
Purpose of private/personal use	
Condition of private/personal use	see s 30.02 discussion
Frequency/copies and limits	one copy
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	see s 30.02 discussion <sup>852</sup>

### 3. Quotations

Provision	s 29.1
Scope of quotation	fair dealing

<sup>850</sup> s 82. Sales or disposals of blank audio recording media to societies etc. that represent persons with a perceptual disability are exempted. s 86.

<sup>851</sup> s 83 (CMOs may file proposed tariff for consideration and approval by the Board); s 84 (CMOs to distribute collected levies to collective societies representing eligible authors, performers and makers).

<sup>852</sup> s 30.02(8) (providing that copyright owner may not recover any damages against entity, if at time of printing, it was reasonable for entity to believe that communication was made in accordance with s 30.02(1)(b)).

Type(s) of source work(s)	work, performance, sound recording, broadcast (communication signal)
Entity exercising quotation	
Purpose of quotation	criticism or review
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author, performer, maker, broadcaster (if in source)
Subject to Remuneration	not required ("does not infringe copyright")

#### 4. Research/Educational Reproduction

Provision	s 29
Scope of research/educational reproduction	fair dealing
Type(s) of source work(s)	work, performance, sound recording, broadcast (communication signal)
Entity exercising reproduction	
Purpose of educational reproduction	education
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

Provision	s 29.4(1)
Scope of research/educational reproduction	reproduce, or do any other necessary act, in order to display
Type(s) of source work(s)	work
Entity exercising reproduction	educational institution or a person acting under its authority
Purpose of educational reproduction	education or training on premises of educational institution
Condition of reproduction	action may not be carried out with motive of gain <sup>853</sup>  (except for manual reproduction) work is not "commercially available" <sup>854</sup> in a medium appropriate for test or examination <sup>855</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	

<sup>853</sup> S 29.3(1). s 29.3(2) (providing that cost recovery does not equate with motive of gain).

<sup>854</sup> s 2 (defining "commercially available" as available on the Canadian market within a reasonable time and for a reasonable price and may be located with reasonable effort, or for which a licence to reproduce, perform or communicate is available from a collective society within a reasonable time and for a reasonable price and may be located with reasonable effort).

<sup>855</sup> S 29.4(3).



Subject to Remuneration	not required (“not an infringement of copyright”)
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Provision	s 29.4(2)(a)
Scope of research/educational reproduction	reproduce, translate or perform in public
Type(s) of source work(s)	work, subject-matter
Entity exercising reproduction	educational institution or person acting under its authority
Purpose of educational reproduction	required for a test or examination
Condition of reproduction	action may not be carried out with motive of gain <sup>856</sup>  (except for manual reproduction) work/subject-matter is not “commercially available” <sup>857</sup> in a medium appropriate for test or examination <sup>858</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required (“not an infringement of copyright”)

Provision	s 29.7
Scope of research/educational reproduction	make, at the time of its communication to the public by telecommunication, a single copy of, and keep copy for up to 30 days
Type(s) of source work(s)	a work/subject-matter
Entity exercising reproduction	educational institution or person acting under its authority
Purpose of educational reproduction	retention of copy for up to 30 days to decide whether to perform copy for educational or training purposes
Condition of reproduction	compliance with terms and conditions fixed under Copyright Act for making of copy <sup>859</sup>  keep record of information prescribed by regulation in relation to making of copy, its destruction or any performance in public of it for which royalties are payable, and mark copy in manner prescribed by regulation <sup>860</sup>

<sup>856</sup> S 29.3(1). s 29.3(2) (providing that cost recovery does not equate with motive of gain).

<sup>857</sup> s 2 (defining “commercially available” as available on the Canadian market within a reasonable time and for a reasonable price and may be located with reasonable effort, or for which a licence to reproduce, perform or communicate is available from a collective society within a reasonable time and for a reasonable price and may be located with reasonable effort).

<sup>858</sup> S 29.4(3).

<sup>859</sup> S 29.7(2).

<sup>860</sup> S 29.9.

	communication to public by telecommunication was received by lawful means <sup>861</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	royalties payable on copyright in work/subject-matter if copy not destroyed at expiration of 30 days; otherwise not required (“not an infringement of copyright”)

Provision	s 30.02(a)
Scope of research/educational reproduction	make a digital reproduction or do any other necessary act
Type(s) of source work(s)	paper form of work
Entity exercising reproduction	educational institution that has a reprographic reproduction licence under which institution is authorized to make reprographic reproductions of works in CMO’s repertoire for educational or training purposes
Purpose of educational reproduction	for educational or training purposes <sup>862</sup>
Condition of reproduction	<p>comply with licence terms and conditions applicable to reprographic reproduction to extent that they are reasonably applicable to digital reproduction<sup>863</sup></p> <p>no digital reproduction if:</p> <ul style="list-style-type: none"> <li>- entity has entered into digital reproduction agreement with CMO under which entity may make digital reproduction/communication/permit persons acting under authority to print at least one copy of work<sup>864</sup></li> <li>- there is s 70.15 certified tariff applicable to digital reproduction/ communication/permit persons acting under authority to print at least one copy of work<sup>865</sup></li> <li>- entity has been informed by CMO that copyright owner has informed it that owner refuses to authorize CMO to enter into digital</li> </ul>

<sup>861</sup> S 29.8.

<sup>862</sup> S 30.02(1)(a) (referring to digital reproduction “of the same general nature and extent as the reprographic reproduction authorized under the licence”, which is one that authorizes the educational institution to do so for an educational or training purpose, as set out in s 30.02(1)); 30.02(1)(b) (referring to the communication for an educational or training purpose).

<sup>863</sup> S 30.02(3)(a). S 30.03 (setting out the adjustments to be made to royalties paid under s 30.02 if educational institution as entity subsequently enters into digital reproduction agreement with any CMO or if a subsequent tariff applies); S 30.02(7) (limiting the damages payable by entity to greatest amount of royalties payable under reprographic reproduction licences).

<sup>864</sup> S 30.02(4)(a).

<sup>865</sup> S 30.02(4)(b).

	reproduction agreement with respect to that work <sup>866</sup>
Frequency/copies and limits	entity to take measures to: - prevent digital reproduction from being communicated by telecommunication to any persons not acting under authority of entity <sup>867</sup> - prevent person to whom work has been communicated from printing more than one copy, and prevent any other reproduction/communication <sup>868</sup> - take any measure prescribed by regulation
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	royalties payable by educational institution, with respect to all persons to whom digital reproduction is communicated as if one reprographic reproduction were distributed to each of those persons, to CMO <sup>869</sup>

Provision	s 30.04(a)
Scope of research/educational reproduction	reproduce, or do any other act that is necessary
Type(s) of source work(s)	work, subject-matter that is available on the Internet
Entity exercising reproduction	educational institution or person acting under its authority
Purpose of educational reproduction	educational or training purposes
Condition of reproduction	“public” primarily consists of students of educational institution or other persons acting under its authority
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	work/subject-matter/Internet site is protected by TPM that restricts access to, or reproduction/communication/ performance of work/subject-matter <sup>870</sup>  “clearly visible notice” <sup>871</sup> (and not merely copyright symbol) prohibits that act is posted on

<sup>866</sup> S 30.02(4)(c). s 30.02(5) (setting out the rights of copyright owner to inform CMO of objects to authorization of digital reproduction agreements for work); 30.02(6) (deeming owner who has authorised CMO to enter into reprographic reproduction agreement to also authorize CMO to enter into digital reproduction agreement).

<sup>867</sup> S 30.02(3)(b).

<sup>868</sup> S 30.02(3)(c).

<sup>869</sup> S 30.02(3)(a). S 30.03 (setting out the adjustments to be made to royalties paid under s 30.02 if educational institution as entity subsequently enters into digital reproduction agreement with any CMO or if a subsequent tariff applies); S 30.02(7) (limiting the damages payable by entity to greatest amount of royalties payable under reprographic reproduction licences).

<sup>870</sup> Ss 30.04(3), 30.04(4)(a).

<sup>871</sup> S 30.04(6) (prescribing regulations as to what constitutes a clearly visible notice).

	Internet site where work/subject-matter is posted or on work/subject-matter itself <sup>872</sup>  entity knows or should have known that work/subject-matter was made available on Internet without consent of copyright owner <sup>873</sup>
Subject to Attribution	source, author, performer, maker, broadcaster (if in source)
Subject to Remuneration	not required ("not an infringement of copyright")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 30
Scope of anthologies/compilations limitation/exception	publication in a collection, mainly composed of non-copyright matter
Type(s) of source work(s)	short passages from published literary works in which copyright subsists and not themselves published for use of educational institutions
Entity exercising anthologies/compilations limitation/exception	publisher
Purpose of anthologies/compilations limitation/exception	intended for use of educational institutions
Condition of anthologies/compilations limitation/exception	described in title and in any advertisements issued by publisher, to be intended for use of educational institutions
Frequency/copies and limits	not more than 2 passages from works by same author published by same publisher within 5 years
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source [of passages], name of author (if available)
Subject to Remuneration	not required ("does not infringe copyright")

#### 6. School Performances

Provision	s 29.5(a)
Scope of school performance	live performance in public, primarily by students
Type(s) of source work(s)	work
Entity exercising school performance	an educational institution or a person acting under its authority
Purpose of school performance	educational or training purposes
Condition of school performance	performance on "premises" <sup>874</sup> of an educational institution

<sup>872</sup> S 30.04(4)(b).

<sup>873</sup> S 30.04(5).

<sup>874</sup> S 2 (defining premises to mean, in relation to an educational institution, a place where education or training referred to in the definition "educational institution" is provided, controlled or supervised by the educational institution).

	performance not for profit and without motive of gain <sup>875</sup>  an audience consisting primarily of students of educational institution, instructors acting under authority of the educational institution or any person who is directly responsible for setting a curriculum for educational institution
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of copyright")

Provision	s 29.5(b)
Scope of school performance	performance in public
Type(s) of source work(s)	a sound recording or a work or performer's performance that is embodied in a sound recording
Entity exercising school performance	an educational institution or a person acting under its authority
Purpose of school performance	educational or training purposes
Condition of school performance	sound recording is not an infringing copy or person responsible has no reasonable grounds to believe it is an infringing copy  performance on "premises" <sup>876</sup> of an educational institution  performance not for profit and without motive of gain <sup>877</sup>  an audience consisting primarily of students of educational institution, instructors acting under authority of the educational institution or any person who is directly responsible for setting a curriculum for educational institution
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of copyright")

Provision	s 29.5(c)
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<sup>875</sup> S 29.3(1) (providing that cost recovery does not equate with motive of gain).

<sup>876</sup> S 2 (defining premises to mean, in relation to an educational institution, a place where education or training referred to in the definition "educational institution" is provided, controlled or supervised by the educational institution).

<sup>877</sup> S 29.3(1).

Scope of school performance	performance in public at the time of its "communication to the public by telecommunication" <sup>878</sup>
Type(s) of source work(s)	work/subject-matter
Entity exercising school performance	an educational institution or a person acting under its authority
Purpose of school performance	educational or training purposes
Condition of school performance	performance on "premises" <sup>879</sup> of an educational institution  performance not for profit and without motive of gain <sup>880</sup>  an audience consisting primarily of students of educational institution, instructors acting under authority of the educational institution or any person who is directly responsible for setting a curriculum for educational institution  communication to public by telecommunication was received by lawful means <sup>881</sup>
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of copyright")

Provision	s 29.5(d)
Scope of school performance	performance in public
Type(s) of source work(s)	cinematographic work
Entity exercising school performance	an educational institution or a person acting under its authority
Purpose of school performance	educational or training purposes
Condition of school performance	work is not an infringing copy or person responsible has no reasonable grounds to believe it is an infringing copy  performance on "premises" <sup>882</sup> of an educational institution  performance not for profit and without motive of gain <sup>883</sup>

<sup>878</sup> S 2.4(1.1) (defining "communication to the public by telecommunication" as including making it available to the public by telecommunication in a way that allows a member of the public to have access to it from a place and at a time individually chosen by that member of the public).

<sup>879</sup> S 2 (defining premises to mean, in relation to an educational institution, a place where education or training referred to in the definition "educational institution" is provided, controlled or supervised by the educational institution).

<sup>880</sup> S 29.3(1).

<sup>881</sup> S 29.8.

<sup>882</sup> S 2 (defining premises to mean, in relation to an educational institution, a place where education or training referred to in the definition "educational institution" is provided, controlled or supervised by the educational institution).

<sup>883</sup> S 29.3(1).

	an audience consisting primarily of students of educational institution, instructors acting under authority of the educational institution or any person who is directly responsible for setting a curriculum for educational institution
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of copyright")

Provision	s 29.6(1)(b)
Scope of school performance	performance in public
Type(s) of source work(s)	copy of a news program or a news commentary program, excluding documentaries
Entity exercising school performance	an educational institution or a person acting under its authority
Purpose of school performance	educational or training purposes
Condition of school performance	performance on "premises" <sup>884</sup> of an educational institution  an audience consisting primarily of students of educational institution
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of copyright")

Provision	s 29.7(3)
Scope of school performance	performance in public
Type(s) of source work(s)	copy of a work/subject-matter [made under s 29.7(1)]
Entity exercising school performance	an educational institution or a person acting under its authority
Purpose of school performance	educational or training purposes
Condition of school performance	performance on "premises" <sup>885</sup> of an educational institution  an audience consisting primarily of students of educational institution  educational institution complies with any terms and conditions fixed under Copyright Act for performance in public

<sup>884</sup> S 2 (defining premises to mean, in relation to an educational institution, a place where education or training referred to in the definition "educational institution" is provided, controlled or supervised by the educational institution).

<sup>885</sup> S 2 (defining premises to mean, in relation to an educational institution, a place where education or training referred to in the definition "educational institution" is provided, controlled or supervised by the educational institution).

Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	royalties payable by educational institution

Provision	s 30.04(c)
Scope of school performance	perform in "public", or do any other act that is necessary
Type(s) of source work(s)	work, subject-matter that is available on the Internet
Entity exercising school performance	educational institution or person acting under its authority
Purpose of school performance	educational or training purposes
Condition of school performance	"public" primarily consists of students of educational institution or other persons acting under its authority
Preclusions (not part of school performance)	work/subject-matter/Internet site is protected by TPM that restricts access to, or reproduction/communication/ performance of work/subject-matter <sup>886</sup>  "clearly visible notice" <sup>887</sup> (and not merely copyright symbol) prohibits that act is posted on Internet site where work/subject-matter is posted or on work/subject-matter itself <sup>888</sup>  entity knows or should have known that work/subject-matter was made available on Internet without consent of copyright owner <sup>889</sup>
Subject to Attribution	source, author, performer, maker, broadcaster (if in source)
Subject to Remuneration	not required ("not an infringement of copyright")

Provision	s 32.2(3)
Scope of school performance	(a): live performance in public (b), (c): performance in public
Type(s) of source work(s)	(a) a musical work (b) a sound recording embodying a musical work or a performer's performance of a musical work (c) a communication signal carrying (i) live performance in public of a musical work, or (ii) sound recording embodying a musical work or a performer's performance of a musical work
Entity exercising school performance	an educational institution
Purpose of school performance	in furtherance of an educational object

<sup>886</sup> Ss 30.04(3), 30.04(4)(a).

<sup>887</sup> S 30.04(6) (prescribing regulations as to what constitutes a clearly visible notice).

<sup>888</sup> S 30.04(4)(b).

<sup>889</sup> S 30.04(5).



Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("no ... educational institutional ... shall be held liable to pay any compensation")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 29.6(1)(a)
Scope of broadcast/communication/recording	make, at the time of its communication to the public by telecommunication
Type(s) of source work(s)	a news program or a news commentary program, excluding documentaries
Entity exercising broadcast/communication/recording	educational institution or person acting under its authority
Purpose of broadcast/communication/recording	for purposes of performing the copy for students of educational institution for educational or training purposes
Condition of broadcast/communication/recording	communication to public by telecommunication [of news program/commentary program] was received by lawful means <sup>890</sup>
Frequency/limits of broadcast/communication/recording	a single copy
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of copyright")

Provision	s 29.4(2)(b)
Scope of broadcast/communication/recording	communicate by telecommunication to the public situated on the premises of the educational institution
Type(s) of source work(s)	work, subject-matter
Entity exercising broadcast/communication/recording	educational institution or person acting under its authority
Purpose of broadcast/communication/recording	required for a test or examination
Condition of broadcast/communication/recording	action may not be carried out with motive of gain <sup>891</sup>  (except for manual reproduction) work/subject-matter is not "commercially available" <sup>892</sup> in a medium appropriate for test or examination <sup>893</sup>
Frequency/limits of broadcast/communication/recording	

<sup>890</sup> S 29.8.

<sup>891</sup> S 29.3(1). s 29.3(2) (providing that cost recovery does not equate with motive of gain).

<sup>892</sup> s 2 (defining "commercially available" as available on the Canadian market within a reasonable time and for a reasonable price and may be located with reasonable effort, or for which a licence to reproduce, perform or communicate is available from a collective society within a reasonable time and for a reasonable price and may be located with reasonable effort).

<sup>893</sup> S 29.4(3).

Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of copyright")

Provision	s 30.01
Scope of broadcast/communication/recording	communicate lesson to the public, <sup>894</sup> make a fixation of lesson thereof, <sup>895</sup> and do any other act that is necessary <sup>896</sup>
Type(s) of source work(s)	work, subject-matter
Entity exercising broadcast/communication/recording	educational institution or person acting under its authority
Purpose of broadcast/communication/recording	educational or training purposes
Condition of broadcast/communication/recording	in relation to communication by telecommunication in digital form, take any measure prescribed by regulation <sup>897</sup>
Frequency/limits of broadcast/communication/recording	public consisting only of students who are enrolled in a course of which the lesson forms a part or of other persons acting under the authority of the educational institution <sup>898</sup>  destroy any fixation of lesson within 30 days after day of final course evaluations of students <sup>899</sup>  in relation to communication of lesson to public, take measures that can reasonably be expected to limit communication by telecommunication of lesson to persons <sup>900</sup>  in relation to communication by telecommunication of lesson in digital form, take measures that can reasonably be expected to prevent students from fixing, reproducing or communicating lesson other than they may do under this provision <sup>901</sup>
Preclusions (not part of broadcast/communication/recording)	work/subject-matter whose use in lesson constitutes an infringement of copyright or for whose use in lesson, consent of copyright owner is required <sup>902</sup>
Subject to Attribution	

<sup>894</sup> S 30.01(3)(a).<sup>895</sup> S 30.01(3)(b).<sup>896</sup> S 30.01(3)(c).<sup>897</sup> S 30.03(6)(d).<sup>898</sup> S 30.01(4) (deeming students who are enrolled in course of which lesson forms a part to be a person on premises of educational institution).<sup>899</sup> S 30.03(6)(a).<sup>900</sup> S 30.03(6)(b).<sup>901</sup> S 30.03(6)(c).<sup>902</sup> S 30.01(2).

Subject to Remuneration	not required ("not an infringement of copyright")
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Provision	s 30.02(1)(b)
Scope of broadcast/communication/recording	communicate digital reproduction by telecommunication to "persons acting under the authority of the institution", or do any other necessary act
Type(s) of source work(s)	paper form of work
Entity exercising broadcast/communication/recording	educational institution that has a reprographic reproduction licence under which institution is authorized to make reprographic reproductions of works in CMO's repertoire for educational or training purposes
Purpose of broadcast/communication/recording	for educational or training purposes <sup>903</sup>
Condition of broadcast/communication/recording	<p>comply with licence terms and conditions applicable to reprographic reproduction to extent that they are reasonably applicable to digital reproduction<sup>904</sup></p> <p>entity to take any measure prescribed by regulation</p> <p>no digital reproduction if:</p> <ul style="list-style-type: none"> <li>- entity has entered into digital reproduction agreement with CMO under which entity may make digital reproduction/communication/permit persons acting under authority to print at least one copy of work<sup>905</sup></li> <li>- there is s 70.15 certified tariff applicable to digital reproduction/ communication/permit persons acting under authority to print at least one copy of work<sup>906</sup></li> <li>- entity has been informed by CMO that copyright owner has informed it that owner refuses to authorize CMO to enter into digital reproduction agreement with respect to that work<sup>907</sup></li> </ul>

<sup>903</sup> S 30.02(1)(a) (referring to digital reproduction "of the same general nature and extent as the reprographic reproduction authorized under the licence", which is one that authorizes the educational institution to do so for an educational or training purpose, as set out in s 30.02(1)); 30.02(1)(b) (referring to the communication for an educational or training purpose).

<sup>904</sup> S 30.02(3)(a). S 30.03 (setting out the adjustments to be made to royalties paid under s 30.02 if educational institution as entity subsequently enters into digital reproduction agreement with any CMO or if a subsequent tariff applies); S 30.02(7) (limiting the damages payable by entity to greatest amount of royalties payable under reprographic reproduction licences).

<sup>905</sup> S 30.02(4)(a).

<sup>906</sup> S 30.02(4)(b).

<sup>907</sup> S 30.02(4)(c). s 30.02(5) (setting out the rights of copyright owner to inform CMO of objects to authorization of digital reproduction agreements for work); 30.02(6) (deeming owner who has authorised CMO to enter into reprographic reproduction agreement to also authorize CMO to enter into digital reproduction agreement).

Frequency/limits of broadcast/communication/recording	take measures to prevent digital reproduction from being communicated by telecommunication to any persons not acting under authority of entity <sup>908</sup>  take measures to prevent person to whom work has been communicated from printing more than one copy, and prevent any other reproduction/communication <sup>909</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	royalties payable by educational institution, with respect to all persons to whom digital reproduction is communicated as if one reprographic reproduction were distributed to each of those persons, to CMO <sup>910</sup>

Provision	s 30.04(b)
Scope of broadcast/communication/recording	communicate to the “public” by telecommunication, or do any other act that is necessary
Type(s) of source work(s)	work, subject-matter that is available on the Internet
Entity exercising broadcast/communication/recording	educational institution or person acting under its authority
Purpose of broadcast/communication/recording	educational or training purposes
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	“public” primarily consists of students of educational institution or other persons acting under its authority
Preclusions (not part of broadcast/communication/recording)	work/subject-matter/Internet site is protected by TPM that restricts access to, or reproduction/communication/ performance of work/subject-matter <sup>911</sup>  “clearly visible notice” <sup>912</sup> (and not merely copyright symbol) prohibits that act is posted on Internet site where work/subject-matter is posted or on work/subject-matter itself <sup>913</sup>

<sup>908</sup> S 30.02(3)(b).

<sup>909</sup> S 30.02(3)(c).

<sup>910</sup> S 30.02(3)(a). S 30.03 (setting out the adjustments to be made to royalties paid under s 30.02 if educational institution as entity subsequently enters into digital reproduction agreement with any CMO or if a subsequent tariff applies); S 30.02(7) (limiting the damages payable by entity to greatest amount of royalties payable under reprographic reproduction licences).

<sup>911</sup> Ss 30.04(3), 30.04(4)(a).

<sup>912</sup> S 30.04(6) (prescribing regulations as to what constitutes a clearly visible notice).

<sup>913</sup> S 30.04(4)(b).

	entity knows or should have known that work/subject-matter was made available on Internet without consent of copyright owner <sup>914</sup>
Subject to Attribution	source, author, performer, maker, broadcaster (if in source)
Subject to Remuneration	not required ("not an infringement of copyright")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	s 30.62
Scope of TPM/RMI restriction	reproduce
Type(s) of source work(s)	a work/subject matter, lawfully obtained
Beneficiary exercising restriction	a person
Purpose of restriction	encryption research
Condition of restriction	not practical to carry out research without making copy  person has informed copyright owner of work/subject matter  person does not use information obtained through research to commit an act that is an offence under the Criminal Code  if research reveals a vulnerability/security flaw in computer program as work/subject matter, and person intends to make it public, person must give adequate notice of flaw and intention to copyright owner in computer program, unless public interest in having vulnerability/security flaw made public without adequate notice outweighs owner's interest

Provision	s 30.63
Scope of TPM/RMI restriction	reproduce
Type(s) of source work(s)	a work/subject matter
Beneficiary exercising restriction	a person
Purpose of restriction	sole purpose, with consent of owner or administrator of a computer, computer system or computer network, of assessing vulnerability of computer, system or network or of correcting any security flaws
Condition of restriction	person does not use or disclose information obtained through assessment/correction to commit an act that is an offence under the Criminal Code

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<sup>914</sup> S 30.04(5).

	if assessment/correction reveals a vulnerability/security flaw in computer program as work/subject matter, and person intends to make it public, person must give adequate notice of flaw and intention to copyright owner in computer program, unless public interest in having vulnerability/security flaw made public without adequate notice outweighs owner's interest
Provision	s 41.13(1)
Scope of TPM/RMI restriction	circumvention TPM by means of decryption
Type(s) of source work(s)	work, performance fixed in sound recording or sound recording that is protected by TPM
Beneficiary exercising restriction	a person
Purpose of restriction	encryption research
Condition of restriction	not practical to carry out research without circumventing TPM <sup>915</sup>  beneficiary has lawfully obtained source work, sound recording <sup>916</sup>  beneficiary has informed copyright owner who has applied the TPM <sup>917</sup>  beneficiary does not do any act that constitutes an infringement of copyright or any act that contravenes any Act of Parliament or any Act of the legislature of a province <sup>918</sup>

Provision	s 41.13(3)
Scope of TPM/RMI restriction	manufacture, import, distribute, offer for sale or rental or provide – including by selling or renting – any technology, device or component (i) designed or produced primarily for the purpose of circumventing a TPM, (ii) whose uses or purposes are not commercially significant, other than when used for purposes of circumventing TPMs or (iii) marketed or acts with another to market, as being for the purpose of circumventing a TPM <sup>919</sup>
Type(s) of source work(s)	
Beneficiary exercising restriction	manufacturer
Purpose of restriction	encryption research

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<sup>915</sup> S 41.13(1)(a).

<sup>916</sup> S 41.13(1)(b).

<sup>917</sup> S 41.13(1)(c).

<sup>918</sup> S 41.13(2).

<sup>919</sup> S 41.1(1)(c) (referring to manufacturer, importer, distributor, seller, rentor, marketer etc., but s 41.13(3) limits exception only to manufacturer)

Condition of restriction	beneficiary uses that technology, device or component only for that purpose, or provides the same to collaborator <sup>920</sup>
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Provision	s 41.15(1)
Scope of TPM/RMI restriction	circumvention TPM
Type(s) of source work(s)	
Beneficiary exercising restriction	a person
Purpose of restriction	sole purpose, with consent of owner or administrator of a computer, computer system or computer network, of assessing vulnerability of computer, system or network or of correcting any security flaws
Condition of restriction	beneficiary does not do any act that constitutes an infringement of copyright or any act that contravenes any Act of Parliament or any Act of the legislature of a province <sup>921</sup>

Provision	s 41.15(2)
Scope of TPM/RMI restriction	offering to the public or providing services for circumvention TPM <sup>922</sup>
Type(s) of source work(s)	
Beneficiary exercising restriction	a person
Purpose of restriction	sole purpose, with consent of owner or administrator of a computer, computer system or computer network, of assessing vulnerability of computer, system or network or of correcting any security flaws
Condition of restriction	beneficiary does not do any act that constitutes an infringement of copyright or any act that contravenes any Act of Parliament or any Act of the legislature of a province <sup>923</sup>

Provision	s 41.15(3)
Scope of TPM/RMI restriction	manufacturing, importing, any technology, device or component for circumvention of TPM, by beneficiary <sup>924</sup> , or  manufacturing, importing, providing (including by selling or renting), offering for sale or rental, distributing as a service, for beneficiary
Type(s) of source work(s)	
Beneficiary exercising restriction	a person
Purpose of restriction	sole purpose, with consent of owner or administrator of a computer, computer system or computer network, of assessing vulnerability

<sup>920</sup> S 41.13(3)(a), (b).

<sup>921</sup> S 41.15(4).

<sup>922</sup> S 41.15(2) (stating exception as one to s 41.1(1)(b)).

<sup>923</sup> S 41.15(4).

<sup>924</sup> S 41.15(3) (beneficiary is person who is permitted to circumvent under s 41.15(1)).

	of computer, system or network or of correcting any security flaws
Condition of restriction	beneficiary does not do any act that constitutes an infringement of copyright or any act that contravenes any Act of Parliament or any Act of the legislature of a province <sup>925</sup>

Provision	s 41.2
Scope of TPM/RMI restriction	owner of copyright in work, performance or sound recording is only entitled to injunction against beneficiary for contravening the prohibition against circumvention of TPM, offering of services to primarily circumvent TPM or manufacture etc. any technology, device or component to primarily circumvent TPM <sup>926</sup>
Type(s) of source work(s)	
Beneficiary exercising restriction	a library, archive or museum or an educational institution
Purpose of restriction	
Condition of restriction	defendant satisfies the court that it was not aware, and had no reasonable grounds to believe, that its actions constituted aforesaid contravention

Provision	s 42(3.1)
Scope of TPM/RMI restriction	beneficiary is not liable for offence of knowingly and for commercial purposes, contravening the prohibition against circumvention of TPM, offering of services to primarily circumvent TPM or manufacture etc. any technology, device or component to primarily circumvent TPM <sup>927</sup>
Type(s) of source work(s)	
Beneficiary exercising restriction	a person who is acting on behalf of a library, archive or museum or an educational institution
Purpose of restriction	
Condition of restriction	

#### 10. Other Limitations/Exceptions

Provision	s 38.1(6)
Scope of other limitation/exception	no statutory damages may be awarded against entity or person acting under its authority for: making a single copy of a news program for purposes of performing copy for students, and

<sup>925</sup> S 41.15(4).

<sup>926</sup> S 41.1.

<sup>927</sup> S 41.1.



	performing copy in public before audience consisting primarily of students on premises, <sup>928</sup> making a single copy of a work/subject-matter that is communicated to the public by telecommunication and keep the copy for up to 30 days to decide whether to perform copy, <sup>929</sup> reprographic reproduction of work for which royalties would have been payable to the CMO under any agreement or certified tariff, <sup>930</sup> digital reproduction of a paper form of a work, or communicating such a reproduction by telecommunication, to persons acting under the authority of entity for which entity has entered into digital reproduction agreement, or a reprographic reproduction licence for the work or a work of the same category, <sup>931</sup> printing one copy of digital reproduction of work communicated to person by telecommunication <sup>932</sup>
Type(s) of source work(s)	
Entity entitled to limitation/exception	an educational institution
Purpose of limitation/exception	reproduction/copy/performance/communication made for educational or training purposes
Condition of limitation/exception	
Frequency/copies and limits	
Preclusions (not part of limitation/exception)	

Provision	s 38.2(1)
Scope of other limitation/exception	maximum amount copyright owner who has not authorized a collective society to authorize its reprographic reproduction may recover in proceedings against entity that has reproduced work is amount of royalties payable to society in respect of reprographic reproduction, if it were authorized, under any agreement with CMO or under certified tariff
Type(s) of source work(s)	
Entity entitled to limitation/exception	an educational institution, library, archive or museum
Purpose of limitation/exception	
Condition of limitation/exception	
Frequency/copies and limits	
Preclusions (not part of limitation/exception)	

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<sup>928</sup> S 29.6.

<sup>929</sup> S 29.7.

<sup>930</sup> S 38.2.

<sup>931</sup> S 30.02(7).

<sup>932</sup> S 30.02(8).

## Central African Republic

### 1. Treaties & Legislation

Treaties:

Berne Convention: September 3, 1977 (Paris Act (1971): September 3, 1977)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Bangui Agreement 1977

Legislation:

Ordinance No. 85.002 on Copyrights dated 5 January 1985

### 2. Private/Personal Use

### 3. Quotations

### 4. Research/Educational Reproduction

Provision	Art. 17
Scope of research/educational reproduction	translation or reproduction
Type(s) of source work(s)	any kind of works already made lawfully available to the public
Entity exercising reproduction	[inter alia] scientific institutions and educational institutions
Purpose of educational reproduction	
Condition of reproduction	
Frequency/copies and limits	in the number of copies needed for their activity
Preclusions (not part of research/educational reproduction)	translation or reproduction does not conflict with the normal exploitation of the work and does not prejudice the legitimate interests of the author
Subject to Attribution	
Subject to Remuneration	not required ("are lawful")

### 5. Educational Publications/Anthologies/Compilations/Composite Works

### 6. School Performances

### 7. Educational Broadcasts/Communications/Recordings

### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	Arts. 19, 20
Nature of compulsory licence for translation for educational purposes	translation for publication in printed form or in any similar form of reproduction in Central African Republic
Scope of compulsory licence for digital copying and dissemination	digital reproduction

	digital publication <sup>933</sup> probably no digital dissemination <sup>934</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	works already made lawfully accessible to the public
Licence applicant/entity	any natural or legal person of Central African nationality
Purpose of licence	
Condition of licence	licenses may not be granted for literary or scientific works in which a French edition is available abroad unless publication in Central African Republic is economically advantageous
Compulsory licence fee(s)	fair remuneration for author to be fixed, in absence of an amicable agreement, by the competent administrative authority <sup>935</sup>
Price of publication	
Distribution conditions	
Grantor of compulsory licence	competent administrative authority

#### 9. TPM/RMI Exceptions for Educational Purposes

<sup>933</sup> "in printed form or in any similar form of reproduction". See Art. 2.a ("reproduire l'oeuvre sous une forme materielle").

<sup>934</sup> No reference to "communiquer l'oeuvre ... en public" as in Art. 2.c.

<sup>935</sup> Art. 20.

## Chad

### 1. Treaties & Legislation

Treaties:

Berne Convention: November 25, 1971 (Stockholm Act (1967): November 25, 1971)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Bangui Agreement 1977

Legislation:

Law No. 005/PR/2003 of May 2nd, 2003 on the Protection of Copyright, Neighboring rights and Expressions of Folklore

### 2. Private/Personal Use

Provision	Art. 34.1
Scope of private/personal use	private performance
Type(s) of source work(s)	a lawfully disclosed work, (performance, phonogram, videogram, broadcast) <sup>936</sup>
Entity exercising private/personal use	
Purpose of private/personal use	exclusively within family circle
Condition of private/personal use	performance given free of charge
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")

Provision	Art. 34.2
Scope of private/personal use	copies or reproductions
Type(s) of source work(s)	a lawfully disclosed work, (performance, phonogram, videogram, broadcast) <sup>937</sup>
Entity exercising private/personal use	
Purpose of private/personal use	strictly for private use of copier
Condition of private/personal use	not intended for collective use, with the exception of copies of works of art intended to be used for purposes identical to those for which original work was created
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	remuneration in the form of levies paid by manufacturer/importer of recording media that

<sup>936</sup> Art. 95 (applying Art. 34 mutatis mutandis to neighbouring rights).

<sup>937</sup> Art. 95 (applying Art. 34 mutatis mutandis to neighbouring rights).

	can be used for reproduction for private use <sup>938</sup> of works fixed in phonograms and videograms, to be paid to authors, phonogram and videogram producers and performers <sup>939</sup>
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### 3. Quotations

Provision	Art. 34.3(a)
Scope of quotation	analyses and short quotations
Type(s) of source work(s)	works, (performance, phonogram, videogram, broadcast) <sup>940</sup>
Entity exercising quotation	
Purpose of quotation	critical, polemic, educational, scientific or informative nature of the work in which they are incorporated
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("author may not prohibit")

### 4. Research/Educational Reproduction

### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 34.5
Scope of anthologies/compilations limitation/exception	use by means of publication
Type(s) of source work(s)	lawfully disclosed literary or artistic works, (performance, phonogram, videogram, broadcast) <sup>941</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	teaching examples
Condition of anthologies/compilations limitation/exception	use is not improper and is not for profitmaking purposes
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")

<sup>938</sup> Art. 117 (providing for reimbursement of remuneration where recording medium is used by audiovisual communication companies and producers of phonograms/videograms for their own use or production).

<sup>939</sup> Arts. 113, 114.

<sup>940</sup> Art. 95 (applying Art. 34 mutatis mutandis to neighbouring rights).

<sup>941</sup> Art. 95 (applying Art. 34 mutatis mutandis to neighbouring rights).

6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	Art. 34.5
Scope of broadcast/communication/recording	use by means of broadcasting or audio or visual recording
Type(s) of source work(s)	lawfully disclosed literary or artistic works, (performance, phonogram, videogram, broadcast) <sup>942</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching examples
Condition of broadcast/communication/recording	use is not improper and is not for profitmaking purposes
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes


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<sup>942</sup> Art. 95 (applying Art. 34 mutatis mutandis to neighbouring rights).

## Chile

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 5, 1970 (Paris Act (1971): July 10, 1975)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

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

### 2. Private/Personal Use

Provision	Art. 71N
Scope of private/personal use	use
Type(s) of source work(s)	a work, including phonograms
Entity exercising private/personal use	
Purpose of private/personal use	within the family circle
Condition of private/personal use	use is not for profit
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not be considered communication or public performance of the work")

Provision	Art. 71R
Scope of private/personal use	translate
Type(s) of source work(s)	lawfully acquired works originally written in a foreign language
Entity exercising private/personal use	
Purpose of private/personal use	personal use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("without ... payment of any remuneration")

### 3. Quotations

Provision	Art. 71B
Scope of quotation	include in a work
Type(s) of source work(s)	brief fragments of a protected work that has been lawfully disclosed

Entity exercising quotation	
Purpose of quotation	quotation or for the purposes of criticism, illustration, teaching or research
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, title, author
Subject to Remuneration	not required ("without paying")

Provision	Art. 71Q
Scope of quotation	use
Type(s) of source work(s)	a protected work (not audiovisual works of a documentary nature)
Entity exercising quotation	
Purpose of quotation	criticism, commentary
Condition of quotation	use does not constitute disguised use of the protected work use to be incidental or exceptional
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be permitted")

#### 4. Research/Educational Reproduction

Provision	Art. 71Q
Scope of research/educational reproduction	use
Type(s) of source work(s)	a protected work (not audiovisual works of a documentary nature)
Entity exercising reproduction	
Purpose of educational reproduction	commentary, teaching, academic or research interest
Condition of reproduction	
Frequency/copies and limits	use to be incidental or exceptional
Preclusions (not part of research/educational reproduction)	use does not constitute disguised use of the protected work
Subject to Attribution	
Subject to Remuneration	not required ("shall be permitted")

Provision	Art. 71F
Scope of research/educational reproduction	reproduction through photography, cinema, television or any other similar process
Type(s) of source work(s)	architectural works
Entity exercising reproduction	
Purpose of educational reproduction	educational purposes
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	author's consent required if reproduced in a complete or partial separate collection



Subject to Attribution	
Subject to Remuneration	not required ("not subject to payment")

Provision	Art. 71M
Scope of research/educational reproduction	reproduce and translate
Type(s) of source work(s)	small fragments of publicly disclosed works or isolated works of a three-dimensional, photographic or figurative nature, excluding school textbooks and university manuals
Entity exercising reproduction	
Purpose of educational reproduction	educational purposes, within the framework of formal education or with the consent of the Ministry of Education, solely to illustrate educational activities
Condition of reproduction	reproduction and translation must be warranted and not for profit
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (unless infeasible)
Subject to Remuneration	not required ("without remunerating")

Provision	Art. 71D
Scope of research/educational reproduction	annotating or compiling in any form
Type(s) of source work(s)	courses taught in institutions of higher education, high schools and schools
Entity exercising reproduction	to whom the courses are intended
Purpose of educational reproduction	
Condition of reproduction	no full/partial publication without authorization of lecturer
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	

##### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 71F
Scope of anthologies/compilations limitation/exception	reproduction through photography, cinema, television or any other similar process, and publication of the corresponding photographs in newspapers, reviews, books and texts
Type(s) of source work(s)	architectural works
Entity exercising anthologies/compilations limitation/exception	anyone
Purpose of anthologies/compilations limitation/exception	educational purposes

Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	author's consent required if reproduced/published in a complete or partial separate collection
Subject to Attribution	
Subject to Remuneration	not required ("free and not subject to payment")

#### 6. School Performances

Provision	Art. 71N
Scope of school performance	use
Type(s) of source work(s)	a work, including phonograms
Entity exercising school performance	
Purpose of school performance	within the family circle, in educational or charitable establishments, libraries, archive centers or museums
Condition of school performance	use is not for profit
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not be considered ... public performance")

Provision	Art. 71Q
Scope of school performance	use
Type(s) of source work(s)	a protected work (not audiovisual works of a documentary nature)
Entity exercising school performance	
Purpose of school performance	commentary, teaching, academic or research interest
Condition of school performance	use does not constitute disguised use of the protected work use to be incidental or exceptional
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be permitted")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 71N
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	a work, including phonograms
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	in [inter alia] educational or charitable establishments

Condition of broadcast/communication/recording	use is not for profit
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("not be considered communication")

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## China

### 1. Treaties & Legislation

Treaties:

Berne Convention: October 15, 1992 (Paris Act (1971): October 15, 1992)

WIPO Copyright Treaty: June 9, 2007

WIPO Performances and Phonograms Treaty: June 9, 2007

Legislation:

Copyright Law of the People's Republic of China of February 26, 2010 (amended up to the Decision of February 26, 2010, by the Standing Committee of the National People's Congress on Amending the Copyright Law of the People's Republic of China)

Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006

### 2. Private/Personal Use

Provision	Art. 22(1)
Scope of private/personal use	use
Type(s) of source work(s)	another person's published work, (typographical design of publisher, performance, sound recording, video recording, broadcast) <sup>943</sup>
Entity exercising private/personal use	
Purpose of private/personal use	user's own personal study, research or appreciation
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	title, author
Subject to Remuneration	not required ("without payment of remuneration")

### 3. Quotations

Provision	Art. 22(2)
Scope of quotation	appropriate quotation, in one's own work
Type(s) of source work(s)	another person's published work, (typographical design of publisher, performance, sound recording, video recording, broadcast) <sup>944</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	title, author

<sup>943</sup> Art. 22 proviso.

<sup>944</sup> Art. 22 proviso.

Subject to Remuneration	not required ("without payment of remuneration")
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#### 4. Research/Educational Reproduction

Provision	Art. 22(6)
Scope of research/educational reproduction	translation, or reproduction of copies
Type(s) of source work(s)	a published work, (typographical design of publisher, performance, sound recording, video recording, broadcast) <sup>945</sup>
Entity exercising reproduction	teachers or scientific researchers
Purpose of educational reproduction	use in classroom teaching or scientific research
Condition of reproduction	translation or reproductions are not published for distribution
Frequency/copies and limits	reproduction in a small quantity [of copies]
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	title, author
Subject to Remuneration	not required ("without payment of remuneration")

Provision	Art. 6(3), Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006
Scope of research/educational reproduction	provision, through information networks
Type(s) of source work(s)	any published works, (performances or audio-visual products) <sup>946</sup>
Entity exercising reproduction	anyone
Purpose of educational reproduction	to support instruction for teaching or scientific research
Condition of reproduction	to be provided to teachers/students and researchers
Frequency/copies and limits	a small quantity of works  a small number of teachers/students and researchers
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	title, author <sup>947</sup>
Subject to Remuneration	not required ("exempted from ... paying the relevant remunerations")

Provision	Art. 8, Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006
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<sup>945</sup> Art. 22 proviso.

<sup>946</sup> Art. 11, Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006.

<sup>947</sup> Art. 10(2), Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006.

Scope of research/educational reproduction	use, to provide courseware by disseminating through information networks
Type(s) of source work(s)	providing fragments of works, short written works or musical works, a single work of fine art, or photographic works, (performances or audio-visual products), <sup>948</sup> excluding works whose network dissemination had been previously disallowed by the author <sup>949</sup>
Entity exercising reproduction	developer of courseware or long distance educational instructions that have lawfully acquired the courseware
Purpose of educational reproduction	conducting the nine-year compulsory education or state education plan
Condition of reproduction	instruction provided to registered students
Frequency/copies and limits	entity to adopt technical measures to prevent any person other than the registered students from acquiring any of the disseminated source works <sup>950</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	title, author <sup>951</sup>
Subject to Remuneration	remuneration payable by entity to copyright owner in accordance with the Regulations

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 23
Scope of anthologies/compilations limitation/exception	passages, compiled in textbooks
Type(s) of source work(s)	a work, a short written work, musical work, a single work of the fine arts or photographic work which has been published, (typographical design, performance, sound recording, video recording, broadcast) <sup>952</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	compiling and publishing textbooks for the nine-year compulsory education and for national education planning
Condition of anthologies/compilations limitation/exception	"other rights enjoyed by the copyright owner in accordance with this Law are not prejudiced"
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	where author declares in advance that use of his work is not permitted
Subject to Attribution	title, author
Subject to Remuneration	remuneration is paid

<sup>948</sup> Art. 11, Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006.

<sup>949</sup> Art. 10(1), Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006.

<sup>950</sup> Art. 10(4), Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006.

<sup>951</sup> Art. 10(2), Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006.

<sup>952</sup> Art. 23 proviso.

6. School Performances

Provision	Art. 22(9)
Scope of school performance	live performance
Type(s) of source work(s)	a published work, (typographical design of publisher, performance, sound recording, video recording, broadcast) <sup>953</sup>
Entity exercising school performance	
Purpose of school performance	
Condition of school performance	gratuitous (no fees are charged to the public, nor payments are made to the performers)
Preclusions (not part of school performance)	
Subject to Attribution	title, author
Subject to Remuneration	not required ("without payment of remuneration")

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 6(3), Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006
Scope of broadcast/communication/recording	provision, through information networks
Type(s) of source work(s)	any published works, (performances or audio-visual products) <sup>954</sup>
Entity exercising broadcast/communication/recording	anyone
Purpose of broadcast/communication/recording	to support instruction for teaching or scientific research
Condition of broadcast/communication/recording	to be provided to teachers/students and researchers
Frequency/limits of broadcast/communication/recording	a small quantity of works  a small number of teachers/students and researchers
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	title, author <sup>955</sup>
Subject to Remuneration	not required ("exempted from ... paying the relevant remunerations")

Provision	Art. 8, Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006
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<sup>953</sup> Art. 22 proviso.<sup>954</sup> Art. 11, Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006.<sup>955</sup> Art. 10(2), Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006.

Scope of broadcast/communication/recording	use, to provide courseware by disseminating through information networks
Type(s) of source work(s)	providing fragments of works, short written works or musical works, a single work of fine art, or photographic works, (performances or audio-visual products), <sup>956</sup> excluding works whose network dissemination had been previously disallowed by the author <sup>957</sup>
Entity exercising broadcast/communication/recording	developer of courseware or long distance educational instructions that have lawfully acquired the courseware
Purpose of broadcast/communication/recording	conducting the nine-year compulsory education or state education plan
Condition of broadcast/communication/recording	instruction provided to registered students
Frequency/limits of broadcast/communication/recording	entity to adopt technical measures to prevent any person other than the registered students from acquiring any of the disseminated source works <sup>958</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	title, author <sup>959</sup>
Subject to Remuneration	remuneration payable by entity to copyright owner in accordance with the Regulations

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 22(11)
Nature of compulsory licence for translation for educational purposes	translation into minority nationality languages for publication and distribution in China
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>960</sup> probably no digital dissemination <sup>961</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration lapsed as of Oct 10, 1994
Type(s) of source work(s)	published work, (typographical design of publisher, performance, sound recording, video recording, broadcast) <sup>962</sup> of a Chinese citizen, legal entity or other organization from Han language
Licence applicant/entity	
Purpose of licence	

<sup>956</sup> Art. 11, Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006.

<sup>957</sup> Art. 10(1), Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006.

<sup>958</sup> Art. 10(4), Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006.

<sup>959</sup> Art. 10(2), Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006.

<sup>960</sup> Art. 10(1) (defining the "right of publication" as the "right to decide whether to make a work available to the public"); Art. 10(5) (defining the "right of reproduction" as the "right to produce one or more copies of a work by printing, photocopying, lithographing, making a sound recording or video recording, duplicating a recording, or duplicating a photographic work or by any other means"); Art. 10(6) (defining the "right of distribution" as "the right to make available to the public the original or reproductions of a work through sale or other transfer of ownership").

<sup>961</sup> See Art. 10(12) (defining, separately, the "right of communication of information on networks", as "the right to communicate to the public a work, by wire or wireless means in such a way that members of the public may access these works from a place and at a time individually chosen by them").

<sup>962</sup> Art. 22 proviso.



Condition of licence	attribution of original published work by title, author
Compulsory licence fee(s)	not required ("without payment of remuneration")
Price of publication	
Distribution conditions	
Grantor of compulsory licence	

#### 9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 12(1), Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006
Scope of TPM/RMI restriction	circumvention of relevant technical measures
Type(s) of source work(s)	any published work, performance or audio-visual product that can only be acquired through information networks
Beneficiary exercising restriction	
Purpose of restriction	provision of source work(s) to a small number of people that engage in teaching or scientific research
Condition of restriction	techniques, devices or components of the technical measures shall not be provided to any other person  other rights as enjoyed by the owner according to law shall not be injured

Provision	Art. 12(4), Regulations on the Protection of the Right to Network Dissemination of Information Networks 2006
Scope of TPM/RMI restriction	circumvention of relevant technical measures
Type(s) of source work(s)	
Beneficiary exercising restriction	
Purpose of restriction	carrying out any testing on the computer as well as its system or the safety performance of the network through the information network
Condition of restriction	techniques, devices or components of the technical measures shall not be provided to any other person  other rights as enjoyed by the owner according to law shall not be injured

## Colombia

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 7, 1988 (Paris Act (1971): March 7, 1988)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

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)

### 2. Private/Personal Use

Provision	Art. 37
Scope of private/personal use	reproduce, by any means
Type(s) of source work(s)	a literary or scientific work, (performance, phonogram, broadcast) <sup>963</sup>
Entity exercising private/personal use	reproduction to be arranged by party using the work
Purpose of private/personal use	for his private use
Condition of private/personal use	without gainful intent
Frequency/copies and limits	in one single copy
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be lawful")

Provision	Art. 44
Scope of private/personal use	use
Type(s) of source work(s)	scientific, literary and artistic works, (performance, phonogram, broadcast) <sup>964</sup>
Entity exercising private/personal use	private residence
Purpose of private/personal use	
Condition of private/personal use	without gainful intent
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be free")

### 3. Quotations

Provision	Art. 31
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<sup>963</sup> Art. 178(a) (extending private use exceptions regarding private use to neighbouring rights).

<sup>964</sup> Art. 178(a) (extending private use exceptions regarding private use to neighbouring rights).

Scope of quotation	quote an author by transcribing
Type(s) of source work(s)	necessary passages
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	
Preclusions (not part of quotation)	not of such length and continuity that they might reasonably be considered a simulated, substantial reproduction constituting a prejudice for author of [source] work
Subject to Attribution	title, author (if in source)
Subject to Remuneration	where new work is constituted mainly by the inclusion of works of other owners, at request of any interested party, courts shall make an equitable assessment of remuneration payable to each owner

Provision	Art.178(d)
Scope of quotation	quote
Type(s) of source work(s)	short excerpts from (performance, phonogram, broadcast) <sup>965</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotations are compatible with fair practice  quotations are justified by the informatory purpose of such quotations.
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] ... shall not apply")

#### 4. Research/Educational Reproduction

Provision	Art. 40
Scope of research/educational reproduction	noting and collecting
Type(s) of source work(s)	lectures of talks given at establishments of higher, secondary or primary education
Entity exercising reproduction	students, to whom lectures are addressed
Purpose of educational reproduction	
Condition of reproduction	no full/partial publication or reproduction without written authorization of lecturer
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("may be freely noted and collected")

<sup>965</sup> Art. 178(d) (extending private use exceptions regarding quotations to neighbouring rights).

5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 32
Scope of anthologies/compilations limitation/exception	by illustration in publications
Type(s) of source work(s)	literary or artistic works, (performances, phonograms, broadcasts) <sup>966</sup> or parts thereof
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for teaching purposes (or scientific research)
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	within the limits justified by the purpose
Subject to Attribution	title, author
Subject to Remuneration	not required ("shall be permissible")

6. School Performances

Provision	Art. 164
Scope of school performance	public performance
Type(s) of source work(s)	
Entity exercising school performance	
Purpose of school performance	for strictly educational purposes
Condition of school performance	within the grounds or buildings of the educational establishments concerned  no admission charge whatever is made
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not be considered public performance")

Provision	Art. 168.2
Scope of school performance	communications within scope or facilities of educational institutes not deemed to be public communication
Type(s) of source work(s)	a performance
Entity exercising school performance	
Purpose of school performance	
Condition of school performance	no sum is charged for the right of entry
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required

<sup>966</sup> Art. 178(c) (extending private use exceptions regarding sole use for teaching or scientific research).

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 32
Scope of broadcast/communication/recording	by illustration in broadcasts or sound or visual recordings by communicating works broadcast for use in schools, education, universities and professional training
Type(s) of source work(s)	literary or artistic works, (performances, phonograms, broadcasts) <sup>967</sup> or parts thereof
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for teaching purposes (or scientific research)
Condition of broadcast/communication/recording	without gainful intent
Frequency/limits of broadcast/communication/recording	within the limits justified by the purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	title, author
Subject to Remuneration	not required ("shall be permissible")

Provision	Art. 168.2
Scope of broadcast/communication/recording	communications within scope or facilities of educational institutes not deemed to be public communication
Type(s) of source work(s)	
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	
Condition of broadcast/communication/recording	no sum is charged for the right of entry
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	title, author
Subject to Remuneration	not required ("shall be permissible")

8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 45
Nature of compulsory licence for translation for educational purposes	non-exclusive, non-transferable <sup>968</sup> compulsory licence, for translation into Spanish and

<sup>967</sup> Art. 178(c) (extending private use exceptions regarding sole use for teaching or scientific research).

<sup>968</sup> Art. 52.

	publication (or analogous form) (and broadcasting) <sup>969</sup> in Colombia <sup>970</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>971</sup> probably digital dissemination <sup>972</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	(lawfully acquired copy of) <sup>973</sup> work or text incorporated in an audiovisual fixation that was prepared and published for sole purpose of systematic instruction <sup>974</sup>
Licence applicant/entity	any natural person or legal entity of Colombia <sup>975</sup>  a domestic broadcasting organization <sup>976</sup>
Purpose of licence	natural person or legal entity: for the purpose of teaching, scholarship or research of the work to which the license relates <sup>977</sup>  broadcasting organization: for use in broadcasts intended exclusively for teaching or for the dissemination of the results of specialized technical or scientific research to experts in a particular profession <sup>978</sup>
Condition of licence	work has not been previously translated by copyright owner into Spanish and published in Columbia within 7 years from first publication of the work, or all previous editions in that language are out of print  licence applicant has requested and been denied authorization from owner of right of translation, or applicant was unable to find such owner, after due diligence, and applicant has notified the designated national/international information center <sup>979</sup>  where owner of right of translation is known or located, owner is to be given an opportunity to be heard before a licence can be granted <sup>980</sup>

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<sup>969</sup> Art. 56.

<sup>970</sup> Arts. 45, 52.

<sup>971</sup> Art. 8(p) (defining "publication" as "communication to the public by any method or system"); cf. Art. 8(q) (defining "publisher" as person who undertakes to reproduce a work "by printing or any other means of reproduction and to distribute it").

<sup>972</sup> Art. 76(d)(iv) (defining the economic right of "communication to the public" as one "by any process or means", including "public use by any other known or future medium of communication or reproduction").

<sup>973</sup> Art. 56(a).

<sup>974</sup> Art. 57.

<sup>975</sup> Art. 46.

<sup>976</sup> Art. 56.

<sup>977</sup> Art. 52(a).

<sup>978</sup> Art. 52(b), (c).

<sup>979</sup> Art. 47(c), (d).

<sup>980</sup> Art. 48.

	<p>no licence granted if author withdraws all copies of work from circulation<sup>981</sup></p> <p>all copies published have to include the original title and name of author of the work and notice in Spanish stating that copy is available for sale or distribution only within Columbia<sup>982</sup></p> <p>subject to licensee's sale of existing copies, licence nullified if right owner is publishing or has permitted the publishing of translated work under the same conditions, display, form and content or for a price similar to licensee's edition<sup>983</sup></p> <p>broadcasting organization: sound or visual recordings of translation may not be used by broadcasting organizations other than those having their headquarters in Colombia, and all uses made of the translation are without any commercial purpose<sup>984</sup></p>
Compulsory licence fee(s)	just compensation to owner of right of translation <sup>985</sup>
Price of publication	
Distribution conditions	
Grantor of compulsory licence	competent authority

Provision	Art. 58
Nature of compulsory licence for reproduction for educational purposes	non-exclusive, non-transferable <sup>986</sup> compulsory licence, for reproduction and publication (or analogous form) (and in audiovisual form) <sup>987</sup> (and translation of any text incorporated in said fixation) <sup>988</sup> in Colombia <sup>989</sup> and not for export
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>990</sup> probably digital dissemination <sup>991</sup>
Facilities provided in Paris Act, Appendix	

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<sup>981</sup> Art. 51.

<sup>982</sup> Art. 54.

<sup>983</sup> Art. 55.

<sup>984</sup> Art. 56(d), (e).

<sup>985</sup> Art. 53.

<sup>986</sup> Art. 66.

<sup>987</sup> Art. 70.

<sup>988</sup> Art. 70(b).

<sup>989</sup> Arts. 68(b).

<sup>990</sup> Art. 8(p) (defining "publication" as "communication to the public by any method or system"); cf. Art. 8(q) (defining "publisher" as person who undertakes to reproduce a work "by printing or any other means of reproduction and to distribute it").

<sup>991</sup> Art. 76(d)(iv) (defining the economic right of "communication to the public" as one "by any process or means", including "public use by any other known or future medium of communication or reproduction").

Type(s) of source work(s)	work, or or text incorporated in an audiovisual fixation that was prepared and published for sole purpose of systematic instruction <sup>992</sup>
Licence applicant/entity	
Purpose of licence	for use in connection with systematic instructional activities <sup>993</sup> for use in audiovisual form in connection with systematic instructional activities <sup>994</sup>
Condition of licence	for works of technology and of the natural and physical sciences, including mathematics, 3 years had expired from first publication for fictional work, 7 years had expired from first publication for any other work, 5 years had expired from first publication  work has not been previously distributed by copyright owner in Columbia at a price for comparable works, or all copies are out of print for at least 6 months  licence applicant has requested and been denied authorization from owner of right of reproduction, or applicant was unable to find such owner, after due diligence, and applicant has notified the designated national/international information center <sup>995</sup>  a further waiting period of 3 months/6 months has lapsed since licence applicant complied with conditions <sup>996</sup>  no distribution or placing on sale of work has taken place during waiting period <sup>997</sup>  where owner of right of reproduction is known or located, owner is to be given an opportunity to be heard before a licence can be granted <sup>998</sup>  no licence granted if author withdraws all copies of work from circulation <sup>999</sup>

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<sup>992</sup> Art. 70.<sup>993</sup> Art. 66(a).<sup>994</sup> Art. 70(a).<sup>995</sup> Art. 59(b)-(d).<sup>996</sup> Art. 61-62.<sup>997</sup> Art. 63.<sup>998</sup> Art. 60.<sup>999</sup> Art. 64.



	<p>all copies published to be at price for comparable work<sup>1000</sup> and have to include the original title and name of author of the work and notice in Spanish stating that copy is available for sale or distribution only within Columbia, and a reprint of original copyright notice<sup>1001</sup></p> <p>subject to licensee's sale of existing copies, licence nullified if right owner is publishing or has permitted the publishing of work under the same conditions, display, form and content or for a price similar to licensee's edition<sup>1002</sup></p>
Compulsory licence fee(s)	just compensation to owner of right of reproduction <sup>1003</sup>
Price of publication	
Distribution conditions	
Grantor of compulsory licence	competent authority

9. TPM/RMI Exceptions for Educational Purposes

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<sup>1000</sup> Art. 66(b).

<sup>1001</sup> Art. 68.

<sup>1002</sup> Art. 69.

<sup>1003</sup> Art. 67.

## Comoros

### 1. Treaties & Legislation

Treaties:

Berne Convention: April 17, 2005 (Paris Act (1971): April 17, 2005)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Bangui Agreement 1977

Legislation:

Law of March 11, 1957, on Literary and Artistic Property

### 2. Private/Personal Use

Provision	Art. 41.1
Scope of private/personal use	private performance
Type(s) of source work(s)	a disclosed work
Entity exercising private/personal use	
Purpose of private/personal use	carried out exclusively within the family circle
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")

Provision	Art. 41.2
Scope of private/personal use	copies or reproductions
Type(s) of source work(s)	a disclosed work
Entity exercising private/personal use	
Purpose of private/personal use	strictly reserved for the private use of the copyist
Condition of private/personal use	not intended for collective use, with the exception of copies of works of art to be used for the same purpose for which the original work was created
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")

### 3. Quotations

Provision	Art. 41.3
Scope of quotation	analyses and short quotations
Type(s) of source work(s)	a disclosed work
Entity exercising quotation	

Purpose of quotation	justified by the critical, polemic, educational, scientific or informatory nature of the work in which they are incorporated
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("author may not prohibit")

4. Research/Educational Reproduction
5. Educational Publications/Anthologies/Compilations/Composite Works
6. School Performances
7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Congo

### 1. Treaties & Legislation

Treaties:

Berne Convention: May 8, 1962 (Paris Act (1971): December 5, 1975)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Bangui Agreement 1977

Legislation:

Law No. 24/82 of July 7, 1982 on Copyright and Neighbouring Rights

Agreement Revising the Bangui Agreement of March 2, 1977 on the Creation of an African Intellectual Property Organization (Bangui [Central African Republic], February 24, 1999)

### 2. Private/Personal Use

Provision	Art. 33.1(a)
Scope of private/personal use	reproduction, translation, adaptation, arrangement or any other transformation
Type(s) of source work(s)	a lawfully published work (in original language or in translation), (performance, phonogram, broadcast) <sup>1004</sup>
Entity exercising private/personal use	
Purpose of private/personal use	exclusively for user's own personal and private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	remuneration as levy on selling price of physical media intended for reproduction of sound or visual recordings of protected works, payable to CMO to be distributed to authors <sup>1005</sup>

### 3. Quotations

Provision	Art. 33.1(b)
Scope of quotation	inclusion, in another work, of quotations
Type(s) of source work(s)	a lawfully published work, including newspaper articles and periodicals in the form of press summaries

<sup>1004</sup> Art. 97 (applying the limitation of protection for works to neighbouring rights).

<sup>1005</sup> Art. 48 (providing that author is entitled to remuneration whose amount is proportional to revenue from sales of blank media, calculated as a percentage of the selling price of blank physical media, payable to the CMOs representing the authors).

Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("permissible without the author's consent")

Provision	Art. 97
Scope of quotation	quotations
Type(s) of source work(s)	short excerpts of a performance, of a phonogram or of a broadcast
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation is compatible with fair practice  quotation is justified by informatory purpose of such quotations
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("neighboring rights shall not apply")

#### 4. Research/Educational Reproduction

Provision	Art. 33.5
Scope of research/educational reproduction	reproduction, by photographic or similar process
Type(s) of source work(s)	lawfully available literary, artistic or scientific works
Entity exercising reproduction	[inter alia] scientific institutions and educational establishments
Purpose of educational reproduction	
Condition of reproduction	
Frequency/copies and limits	reproduction and the number of copies made are limited to the needs of their activities
Preclusions (not part of research/educational reproduction)	"do not conflict with the normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author"
Subject to Attribution	
Subject to Remuneration	not required ("permissible without the author's consent")

Provision	Arts. 97, 98
Scope of research/educational reproduction	reproduction/use

Type(s) of source work(s)	copies of phonograms, (performances, broadcasts) <sup>1006</sup>
Entity exercising reproduction	
Purpose of educational reproduction	sole purpose of teaching or of scientific research
Condition of reproduction	phonograms: copies made and distributed on the territory of the Congo, excluding any exportation of copies
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	phonograms: equitable remuneration laid down by the Ministry based on number of copies made and distributed, for phonogram producers

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 33.1(c)
Scope of anthologies/compilations limitation/exception	utilization of work by way of illustration in publications
Type(s) of source work(s)	work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	utilization for teaching
Condition of anthologies/compilations limitation/exception	use is compatible with fair practice
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("permissible without the author's consent")

#### 6. School Performances

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 33.1(c)
Scope of broadcast/communication/recording	utilization of work by way of illustration broadcasts or sound or visual recordings communication of work broadcast for use in schools, education, universities and vocational training
Type(s) of source work(s)	work
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	utilization for teaching communication for teaching purposes

<sup>1006</sup> Art. 97.

Condition of broadcast/communication/recording	use is compatible with fair practice
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("permissible without the author's consent")

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 35
Nature of compulsory licence for translation for educational purposes	licence, for translation into French and publication in Congo
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>1007</sup> probably digital dissemination <sup>1008</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	a work
Licence applicant/entity	
Purpose of licence	
Condition of licence	
Compulsory licence fee(s)	not required? ("it shall be lawful, even without the author's authorization")
Price of publication	
Distribution conditions	
Grantor of compulsory licence	competent authority

Provision	Art. 36
Nature of compulsory licence for reproduction for educational purposes	licence, for reproduction and publication in Congo
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>1009</sup> probably digital dissemination <sup>1010</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	a given edition
Licence applicant/entity	
Purpose of licence	
Condition of licence	
Compulsory licence fee(s)	not required? ("it shall be lawful, even without the author's authorization")
Price of publication	
Distribution conditions	
Grantor of compulsory licence	competent authority

<sup>1007</sup> Art. 28 defines the right of reproduction very broadly to include any means of enabling it for "communication to the public".

<sup>1008</sup> Art. 28 defines the right of "communication to the public" very broadly to include "by any means or process whatsoever".

<sup>1009</sup> Art. 28 defines the right of reproduction very broadly to include any means of enabling it to be "communication to the public".

<sup>1010</sup> Art. 28 defines the right of "communication to the public" very broadly to include "by any means or process whatsoever".

9. TPM/RMI Exceptions for Educational Purposes



## Cook Islands

### 1. Treaties & Legislation

Treaties:

Berne Convention: August 3, 2017 (Paris Act (1971): August 3, 2017)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act 2013

### 2. Private/Personal Use

Provision	s 14
Scope of private/personal use	copying the work
Type(s) of source work(s)	
Entity exercising private/personal use	an individual
Purpose of private/personal use	research, private study, or other private and non-commercial activity
Condition of private/personal use	research, private study, or other activity is carried out by the individual or his or her family or friends
Frequency/copies and limits	
Preclusions (not part of private/personal use)	a building or other construction, whole or substantial part of book or musical notation (without fairly compensating copyright owner), whole or substantial part of a digital database, computer program <sup>1011</sup> , any work "if the copying would unreasonably prejudice the legitimate interests of the owner of the copyright in the work"
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

Provision	s 37(a), (c)(i)
Scope of private/personal use	copying
Type(s) of source work(s)	performance, sound recording, or broadcast
Entity exercising private/personal use	a person/an individual
Purpose of private/personal use	exclusively for personal purposes, or solely for scientific purpose
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("not a breach of the [neighbouring] rights")

<sup>1011</sup> S 22 (excepting use of the computer program and for backup/archival purposes).

### 3. Quotations

Provision	s 16
Scope of quotation	quoting
Type(s) of source work(s)	a lawfully published work
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	amount quoted is justifiable given purposes of quotation
Preclusions (not part of quotation)	amount quoted does not unreasonably prejudice the legitimate interests of copyright owner
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("does not infringe copyright")

### 4. Research/Educational Reproduction

Provision	s 17(1)
Scope of research/educational reproduction	copying work, or recordings of work broadcast on radio or television
Type(s) of source work(s)	work
Entity exercising reproduction	a person
Purpose of educational reproduction	teaching or receiving instruction at an educational institution
Condition of reproduction	no copying if collective licences are available to educational institution <sup>1012</sup>  copying of work is for non-commercial purposes <sup>1013</sup>
Frequency/copies and limits	amount of work copied is justifiable given purpose of teaching or instruction; <sup>1014</sup> an entire textbook may be copied if textbook is out of print, copyright owner cannot be found or an authorised copy of the same edition of the textbook is not for sale in Cook Islands or cannot be purchased at a comparable price <sup>1015</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if in source) <sup>1016</sup>
Subject to Remuneration	not required ("does not infringe copyright")

Provision	s 17(6)
Scope of research/educational reproduction	copy and incorporate copy of work, or recordings of work broadcast on radio or television in assignments, portfolios, theses,

<sup>1012</sup> S 17(2)(a).<sup>1013</sup> S 17(9).<sup>1014</sup> S 17(2)(b).<sup>1015</sup> S. 17(3).<sup>1016</sup> S 17(2)(c).

	dissertations, or other course work produced by individual
Type(s) of source work(s)	work/recordings permitted under s 17(1)
Entity exercising reproduction	individual enrolled in educational institution
Purpose of educational reproduction	
Condition of reproduction	copying of work is for non-commercial purposes <sup>1017</sup>
Frequency/copies and limits	individual to ensure that amount copied is justifiable given purpose of course work
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if in source) <sup>1018</sup> in course work and any copies made of course work
Subject to Remuneration	not required ("individual ... may")

Provision	s 37(c)(ii)
Scope of research/educational reproduction	copies
Type(s) of source work(s)	a performance, sound recording, or communication
Entity exercising reproduction	a person
Purpose of educational reproduction	teaching
Condition of reproduction	only if performance, sound recording, or communication has not been published in any teaching materials
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("not a breach of the [neighbouring] rights")

Provision	s 18
Scope of research/educational reproduction	translation
Type(s) of source work(s)	works
Entity exercising reproduction	person giving or receiving instruction
Purpose of educational reproduction	for private educational, teaching, or research purposes
Condition of reproduction	translation for non-commercial purposes <sup>1019</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

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<sup>1017</sup> S 17(9).

<sup>1018</sup> S 17(2)(c).

<sup>1019</sup> S 18(4).

5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 17(4)
Scope of anthologies/compilations limitation/exception	incorporate in printed or electronic course materials, study materials, resource lists, or other material
Type(s) of source work(s)	copy of work, or recordings of work broadcast on radio or television permitted under s 17(1)
Entity exercising anthologies/compilations limitation/exception	educational institution
Purpose of anthologies/compilations limitation/exception	use in a course of instruction given by or at educational institution
Condition of anthologies/compilations limitation/exception	if course of instruction is via electronic or virtual learning environment, copy of work may be incorporated only if virtual learning environment is on a secure network and accessible only by those individuals giving or receiving the course or are responsible for administering learning environment <sup>1020</sup>  copying of work is for non-commercial purposes <sup>1021</sup>
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	
Subject to Remuneration	not required ("educational institution may")

6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	s 17(8)
Scope of broadcast/communication/recording	communicate to enrolled individuals
Type(s) of source work(s)	a work permitted to be copied or translated
Entity exercising broadcast/communication/recording	educational institution
Purpose of broadcast/communication/recording	private, educational, or research purposes under any of the other exceptions in this Act
Condition of broadcast/communication/recording	copying of work is for non-commercial purposes <sup>1022</sup>
Frequency/limits of broadcast/communication/recording	educational institution communicates using a secure network accessible only by individuals who are teaching or receiving instruction, or by administrators of network
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	

<sup>1020</sup> S 17(5).<sup>1021</sup> S 17(9).<sup>1022</sup> S 17(9).

Subject to Remuneration	not required ("educational institution may communicate")
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8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	s 25
Scope of TPM/RMI restriction	circumventing technological protection measure
Type(s) of source work(s)	a work, to which some form of technological protection has been applied
Beneficiary exercising restriction	a person has right to use or copy a work, or use or copy a copy of a work, in accordance with any of the copyright exceptions (ss 14 to 24)
Purpose of restriction	to make the work accessible where necessary
Condition of restriction	

10. Other Limitations/Exceptions

Provision	ss 11(5), 38(5)
Scope of other limitation/exception	any contractual provision contained in an agreement for assignment or licensing, to extent that it is inconsistent with any of the [enumerated] exceptions, is of no lawful effect
Type(s) of source work(s)	a work, performance, sound recording, communication
Entity entitled to limitation/exception	a person/an individual
Purpose of limitation/exception	exceptions to enable: <i>inter alia</i> , individual copying exclusively for personal purposes (ss 14, 37(a)), copying for scientific research or teaching (ss 17(1), 37(c)), acts in relation to some aspects of source works that is a work and actions do not infringe copyright in the work (s 37(d)) <sup>1023</sup>
Condition of limitation/exception	
Frequency/copies and limits	
Preclusions (not part of limitation/exception)	

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<sup>1023</sup> S 37(a), (c), (d).

## Costa Rica

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 10, 1978 (Paris Act (1971): June 10, 1978)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

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

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)

Decree 24.611-J/95

### 2. Private/Personal Use

Provision	Art. 74, Law 6683/82
Scope of private/personal use	reproduction
Type(s) of source work(s)	an educational or scientific work
Entity exercising private/personal use	a person
Purpose of private/personal use	exclusively by the person concerned for his personal use
Condition of private/personal use	without any profit – direct or indirect – “in cases like research and personal entertainment” <sup>1024</sup>  copy is typed or handwritten
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	computer programs
Subject to Attribution	
Subject to Remuneration	not required ("reproduction ... is free")

Provision	Art. 73, Law 6683/82
Scope of private/personal use	theatrical or musical performances
Type(s) of source work(s)	work that has been made available to the public, lawfully obtained
Entity exercising private/personal use	
Purpose of private/personal use	exclusive benefit of the family circle
Condition of private/personal use	performance at home
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be free")

<sup>1024</sup> Art. 3(39), Decree 24611-J/95 (defining “personal use”).

Provision	Art. 73bis.1(a)
Scope of private/personal use	use
Type(s) of source work(s)	a performance, phonogram or broadcast
Entity exercising private/personal use	
Purpose of private/personal use	private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	do not conflict with a normal exploitation of the performance, phonogram or broadcast, and not unreasonably prejudice the legitimate interests of the rightholder
Subject to Attribution	
Subject to Remuneration	not required ("are allowed")

### 3. Quotations

Provision	Art. 70 Law 6683/82
Scope of quotation	quote, by transcribing the relevant passages
Type(s) of source work(s)	a work lawfully made available to the public
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	length of quotation does not exceed the extent justified by the purpose of quotation
Preclusions (not part of quotation)	passages are not so many and consecutive as to be considered a substantial and simulated reproduction that prejudices the author of the quoted work
Subject to Attribution	
Subject to Remuneration	not required ("shall be allowed")

### 4. Research/Educational Reproduction

Provision	Art. 54 proviso, Law 8039/00
Scope of research/educational reproduction	copying and reproducing
Type(s) of source work(s)	protected literary or artistic works or phonograms
Entity exercising reproduction	
Purpose of educational reproduction	illustrative purposes associated with teaching
Condition of reproduction	without gainful intent
Frequency/copies and limits	reproduction complies with proper use to the extent required
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if available)
Subject to Remuneration	not required ("will not be punishable")

Provision	Art. 73bis.1(d)
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Scope of research/educational reproduction	use
Type(s) of source work(s)	a performance, phonogram or broadcast
Entity exercising reproduction	
Purpose of educational reproduction	solely for purposes of teaching or scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	do not conflict with a normal exploitation of the performance, phonogram or broadcast, and not unreasonably prejudice the legitimate interests of the rightholder
Subject to Attribution	
Subject to Remuneration	not required ("are allowed")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 73 Law 6683/82
Scope of anthologies/compilations limitation/exception	utilization and reproduction, through publications such as anthologies
Type(s) of source work(s)	works
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	by way of illustration for teaching
Condition of anthologies/compilations limitation/exception	use is in accordance with fair practice
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if available)
Subject to Remuneration	not required ("also lawful use")

#### 6. School Performances

Provision	Art. 73, Law 6683/82
Scope of school performance	theatrical or musical performances
Type(s) of source work(s)	a work that has been made available to the public, lawfully obtained
Entity exercising school performance	
Purpose of school performance	by way of illustration for exclusively educational purposes
Condition of school performance	to the extent justified by the educational purpose
Preclusions (not part of school performance)	performance does not conflict with the normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the rightholder
Subject to Attribution	source, author (if available)
Subject to Remuneration	not required ("shall be free")



7. Educational Broadcasts/Communications/Recordings

Provision	Art. 73 Law 6683/82
Scope of broadcast/communication/recording	utilization and reproduction, through radio broadcasts or sound or visual recordings
Type(s) of source work(s)	works
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	by way of illustration for teaching
Condition of broadcast/communication/recording	use is in accordance with fair practice
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if available)
Subject to Remuneration	not required ("also lawful use")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 62(a), Law 8039/00
Scope of TPM/RMI restriction	non-infringing reverse engineering activities, involving the circumvention of effective technological measures, carried out
Type(s) of source work(s)	a legally obtained copy of a computer program
Beneficiary exercising restriction	person involved in reverse engineering
Purpose of restriction	sole purpose of achieving interoperability of a computer program created independently, with other programs
Condition of restriction	carried out in good faith on particular elements of computer program that were not available to the beneficiary

Provision	Art. 62(b), Law 8039/00
Scope of TPM/RMI restriction	non-infringing research activities on
Type(s) of source work(s)	a legally obtained copy, unfixed performance or a display of a work, performance or phonogram
Beneficiary exercising restriction	a duly qualified researcher
Purpose of restriction	to the extent necessary for the sole purpose of identifying and analyzing flaws and vulnerabilities of technologies for encoding and decoding information
Condition of restriction	carried out in good faith  researcher has made a good faith effort to obtain authorization for such activities

Provision	Art. 66A(5)
Scope of TPM/RMI restriction	require rightholder who used effective technological measures in respect of his work to take voluntary measures to ensure for the “beneficiaries” the benefit of the exception
Type(s) of source work(s)	work/subject-matter (but not applicable to works/subject-matter available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them <sup>1025</sup> )
Beneficiary exercising restriction	“beneficiaries”: users who reproduce work/subject-matter for, <i>inter alia</i> , private use (Art. 18), for teaching purposes (Art. 21)
Purpose of restriction	to the extent necessary and to have legal access to the protected work or subject-matter
Condition of restriction	

<sup>1025</sup> Art. 66A(5) proviso, taken from EU Copyright Directive 2001/29, Art. 6(4).

## Côte d'Ivoire

### 1. Treaties & Legislation

Treaties:

Berne Convention: January 1, 1962 (Paris Act (1971): May 4, 1974)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Bangui Agreement 1977

Legislation:

Law No. 2016-555 of July 26, 2016, on Copyright and Related Rights

### 2. Private/Personal Use

Provision	Art. 24
Scope of private/personal use	private performances
Type(s) of source work(s)	work, (performance, phonogram, videogram, audiovisual fixation, audiovisual communication) <sup>1026</sup> lawfully made accessible to the public
Entity exercising private/personal use	
Purpose of private/personal use	exclusively in a family circle
Condition of private/personal use	do not generate any form of income
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author shall not prohibit")

Provision	Art. 24
Scope of private/personal use	reproductions or copies
Type(s) of source work(s)	works, (performance, phonogram, videogram, audiovisual fixation, audiovisual communication) <sup>1027</sup>
Entity exercising private/personal use	
Purpose of private/personal use	intended for a strictly personal and private use and not used for collective use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	copies of works of art intended to be used for films identical to those for which the original work has been created, computer programs, apart from backup copies, <sup>1028</sup> as well as copies or reproductions of an electronic database
Subject to Attribution	

<sup>1026</sup> Art. 90.

<sup>1027</sup> Art. 90.

<sup>1028</sup> Art. 31.

Subject to Remuneration	remuneration as levy on manufacturer/importer of recording material or device which can be used for the reproduction for private use of works fixed on phonograms/videograms/audiovisual fixations payable to CMOs to authors, performers and producers <sup>1029</sup>
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Provision	Art. 24
Scope of private/personal use	translations and adaptations
Type(s) of source work(s)	works, (performance, phonogram, videogram, audiovisual fixation, audiovisual communication) <sup>1030</sup>
Entity exercising private/personal use	
Purpose of private/personal use	a strictly personal and private use, and not used for collective use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author shall not prohibit") <sup>1031</sup>

### 3. Quotations

Provision	Art. 25 para. 1
Scope of quotation	analyses, press reviews and short quotations
Type(s) of source work(s)	disclosed work, (performance, phonogram, videogram, audiovisual fixation, audiovisual communication) <sup>1032</sup>
Entity exercising quotation	
Purpose of quotation	justified by the critical, polemic, pedagogical, educational, scientific or informational nature of the work
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("author shall not prohibit")

### 4. Research/Educational Reproduction

### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 25 para. 2
Scope of anthologies/compilations limitation/exception	use through publication

<sup>1029</sup> Arts. 101-103.

<sup>1030</sup> Art. 90.

<sup>1031</sup> Art. 101 only refers to reproduction for private copying for a strictly personal and private use purpose.

<sup>1032</sup> Art. 90.

Type(s) of source work(s)	literary, artistic or scientific works, (performance, phonogram, videogram, audiovisual fixation, audiovisual communication) <sup>1033</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	by way of illustration
Condition of anthologies/compilations limitation/exception	use not be unreasonable and shall be devoid of any profit
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("author shall not prohibit")

6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	Art. 25 para. 2
Scope of broadcast/communication/recording	use through broadcasting program or sound or visual recordings
Type(s) of source work(s)	literary, artistic or scientific works, (performance, phonogram, videogram, audiovisual fixation, audiovisual communication) <sup>1034</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	by way of illustration
Condition of broadcast/communication/recording	use not be unreasonable and shall be devoid of any profit
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("author shall not prohibit")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes<sup>1033</sup> Art. 90.<sup>1034</sup> Art. 90.

## Croatia

### 1. Treaties & Legislation

Treaties:

Berne Convention: October 8, 1991 (Paris Act (1971): October 8, 1991)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

Copyright and Related Rights Act and Acts on Amendments to the Copyright and Related Rights Act (OG Nos. 167/2003, 79/2007, 80/2011, 141/2013 & 127/2014)

### 2. Private/Personal Use

Provision	Art. 82
Scope of private/personal use	reproduce
Type(s) of source work(s)	a copyright work, (performances, phonograms, videograms, broadcasts, publishers' publications and databases) <sup>1035</sup>
Entity exercising private/personal use	natural person
Purpose of private/personal use	for private use
Condition of private/personal use	in any medium or in the form of photocopying and other personal use if this copy is not intended for or accessible to the public and has no direct or indirect commercial purpose
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture, reproduction of whole book (unless copies have been sold out for at least two years), musical notation, electronic database, cartographic works,  only "such uses of a copyright work which do not conflict with regular use of the work and do not unreasonably prejudice the legitimate interests of the author" <sup>1036</sup>
Subject to Attribution	not required
Subject to Remuneration	appropriate remuneration by levy on sale of technical appliances and blank audio, video or text fixation media <sup>1037</sup> from manufacturers/importers <sup>1038</sup> , and remuneration from person who provides paid photocopying services <sup>1039</sup> , for author, performer, <sup>1040</sup>

<sup>1035</sup> Art. 4(2).

<sup>1036</sup> Art. 80.

<sup>1037</sup> Art. 32(1).

<sup>1038</sup> Art. 32(4).

<sup>1039</sup> Art. 32(2).

<sup>1040</sup> Art. 128.

	producer <sup>1041</sup> and publishers <sup>1042</sup> whose works are expected to be reproduced by (photocopying, recording on sound, visual or text fixation media)
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### 3. Quotations

Provision	Art. 90
Scope of quotation	quotations
Type(s) of source work(s)	excerpts from a lawfully available copyright work, (performances, phonograms, videograms, broadcasts, publishers' publications and databases) <sup>1043</sup>
Entity exercising quotation	
Purpose of quotation	scientific research, teaching, criticism, polemics, revision, review
Condition of quotation	extent justified by the purpose to be achieved and in accordance with fair practice
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("shall be permitted")

### 4. Research/Educational Reproduction

Provision	Art. 84
Scope of research/educational reproduction	reproduce to any media
Type(s) of source work(s)	work, (performances, phonograms, videograms, broadcasts, publishers' publications and databases) <sup>1044</sup>
Entity exercising reproduction	[inter alia] educational and scientific institutions, preschool educational institutions
Purpose of educational reproduction	
Condition of reproduction	from their own copy [of the work]
Frequency/copies and limits	not more than one copy
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("may reproduce")

### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 85
Scope of anthologies/compilations limitation/exception	reproduce on paper or any similar medium and distribute
Type(s) of source work(s)	particular portions (parts) of lawfully disclosed works, or integral short works from the domain of science, literature and music, as well as disclosed individual works of visual arts, architecture, applied arts and industrial design,

<sup>1041</sup> Arts. 136 (phonogram producers), 141 (videogram producers).

<sup>1042</sup> Art. 145.

<sup>1043</sup> Art. 4(2).

<sup>1044</sup> Art. 4(2).

	photographic or cartographic works, and presentations of scientific or technical nature, in the form of a collection which contains contributions of several authors, <i>and</i> (performances, phonograms, videograms, broadcasts, publishers' publications and databases) <sup>1045</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	by its contents, and systematisation exclusively intended for teaching or scientific research
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	unless expressly prohibited by author
Subject to Attribution	source
Subject to Remuneration	equitable remuneration for authors <sup>1046</sup>

## 6. School Performances

Provision	Art. 88
Scope of school performance	publicly perform or to present it at stage
Type(s) of source work(s)	a work, (performances, phonograms, videograms, broadcasts, publishers' publications and databases) <sup>1047</sup>
Entity exercising school performance	
Purpose of school performance	direct teaching or at school events
Condition of school performance	to extent justified by educational purpose works are not used for direct or indirect economic or commercial benefit by the educational institution, the organizers or third persons  the performers receive no payment (remuneration) for their performance  where the tickets are free of charge
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be permitted")

<sup>1045</sup> Art. 4(2).

<sup>1046</sup> Art. 85(2).

<sup>1047</sup> Art. 4(2).



7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 98
Scope of TPM/RMI restriction	oblige authors or other persons who applied technological measures to works to enable access to such works
Type(s) of source work(s)	
Beneficiary exercising restriction	users who use or access of the work is allowed under Arts. 82-87 are prevented by the application of technological measures from so accessing the works
Purpose of restriction	to enable access and use thereof in accordance with Arts. 82-87 (limitations of copyright)
Condition of restriction	works are not "made available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them" <sup>1048</sup>

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<sup>1048</sup> Art. 98(4).

## Cuba

### 1. Treaties & Legislation

Treaties:

Berne Convention: February 20, 1997 (Paris Act (1971): February 20, 1997)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law on Copyright (Law No. 14 of 1977)

### 2. Private/Personal Use

### 3. Quotations

Provision	Art. 38(a)
Scope of quotation	reproduce quotations or fragments, (with translations into Spanish), <sup>1049</sup> in written, audio or visual form
Type(s) of source work(s)	a published work
Entity exercising quotation	
Purpose of quotation	purposes of teaching, information, criticism, illustration or explanation
Condition of quotation	respect the specific values of work extent of quotation justified by desired purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

### 4. Research/Educational Reproduction

Provision	Art. 38(a)
Scope of research/educational reproduction	reproduce quotations or fragments, (with translations into Spanish), <sup>1050</sup> in written, audio or visual form
Type(s) of source work(s)	a published work
Entity exercising reproduction	
Purpose of educational reproduction	purposes of teaching, information, criticism, illustration or explanation
Condition of reproduction	respect the specific values of work
Frequency/copies and limits	extent of quotation justified by desired purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author

<sup>1049</sup> Art. 39.

<sup>1050</sup> Art. 39.

Subject to Remuneration	not required ("without payment of remuneration")
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Provision	Art. 38(d)
Scope of research/educational reproduction	reproduce, (with translations into Spanish), <sup>1051</sup> by a photographic process or similar
Type(s) of source work(s)	a published work
Entity exercising reproduction	a scientific institution or an educational institution
Purpose of educational reproduction	
Condition of reproduction	activities are non-profit
Frequency/copies and limits	number of copies is strictly limited to the needs of a specific activity
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 38(b)
Scope of anthologies/compilations limitation/exception	use (with translations into Spanish), <sup>1052</sup> in publications, radio or TV, films or sound or visual recordings
Type(s) of source work(s)	a published work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	purpose of illustration and teaching
Condition of anthologies/compilations limitation/exception	respect the specific values of work
Frequency/copies and limits	use even of all of the work, if this is justified by its nature or short extent
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

#### 6. School Performances

Provision	Art. 38(ch)
Scope of school performance	present or perform (with translations into Spanish), <sup>1053</sup>
Type(s) of source work(s)	a published work

<sup>1051</sup> Art. 39.

<sup>1052</sup> Art. 39.

<sup>1053</sup> Art. 39.

Entity exercising school performance	
Purpose of school performance	
Condition of school performance	respect the specific values of work presentation or performance is not for profit
Preclusions (not part of school performance)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 38(b)
Scope of broadcast/communication/recording	use (with translations into Spanish), <sup>1054</sup> in radio or TV, films or sound or visual recordings
Type(s) of source work(s)	a published work
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	purpose of illustration and teaching
Condition of broadcast/communication/recording	respect the specific values of work
Frequency/limits of broadcast/communication/recording	use even of all of the work, if this is justified by its nature or short extent
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 37
Nature of compulsory licence for translation for educational purposes	licence, to translate and edit the work, or disseminate it through radio, TV or other audio or visual media in its translated language, or to reproduce the same in audiovisual form
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>1055</sup> probably digital dissemination <sup>1056</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration renewed and effective until Oct 10, 2024
Type(s) of source work(s)	works expressed exclusively in words <sup>1057</sup>
Licence applicant/entity	

<sup>1054</sup> Art. 39.

<sup>1055</sup> Art. 37 (referring to reproduction and publication "in print or other analogous" form ("análoga")).

<sup>1056</sup> Art. 37 (referring to "radio, television or other audio or visual media"). Cf. perhaps the Internet can be considered both an audio and a visual media.

<sup>1057</sup> S 17(1), (2).

Purpose of licence	
Condition of licence	
Compulsory licence fee(s)	not required
Price of publication	distribution or dissemination is free or, in the case of sale of printed materials, made on a non-profit basis <sup>1058</sup>
Distribution conditions	distribution or dissemination exclusively within the territory of the Cuban State <sup>1059</sup>
Grantor of compulsory licence	competent authority

Provision	Art. 37
Nature of compulsory licence for reproduction for educational purposes	licence, to reproduce and publish in print or analogous form, a work published in the same manner, or or disseminate it through radio, TV or other audio or visual media in its original language, or to reproduce the same in audiovisual form
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>1060</sup> probably digital dissemination <sup>1061</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration renewed and effective until Oct 10, 2024
Type(s) of source work(s)	works expressed exclusively in words <sup>1062</sup>
Licence applicant/entity	
Purpose of licence	work is necessary for the development of science, technology, education and professional development
Condition of licence	
Compulsory licence fee(s)	not required
Price of publication	distribution or dissemination is free or, in the case of sale of printed materials, made on a non-profit basis <sup>1063</sup>
Distribution conditions	distribution or dissemination exclusively within the territory of the Cuban State <sup>1064</sup>
Grantor of compulsory licence	competent authority

Provision	Art. 36
Nature of compulsory licence for reproduction for educational purposes	non-transferable licence, to distribute or use in any of the ways authorized by this Law within Cuba
Scope of compulsory licence for digital copying and dissemination	digital reproduction <sup>1065</sup>

<sup>1058</sup> Art. 37(b).

<sup>1059</sup> Art. 37(c).

<sup>1060</sup> Art. 37 (referring to reproduction and publication "in print or other analogous" form ("análoga")).

<sup>1061</sup> Art. 37 (referring to "radio, television or other audio or visual media"). Cf. perhaps the Internet can be considered both an audio and a visual media.

<sup>1062</sup> S 17(1), (2).

<sup>1063</sup> Art. 37(b).

<sup>1064</sup> Art. 37(c).

<sup>1065</sup> Art. 36 uses the term "use".

	digital publication <sup>1066</sup> digital dissemination <sup>1067</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration renewed and effective until Oct 10, 2024
Type(s) of source work(s)	a scientific, technical, artistic, literary or educational work created by a Cuban citizen
Licence applicant/entity	an official institution, entity, company or social or mass organization of a country that is not in a position to acquire certain right of use
Purpose of licence	
Condition of licence	author attributed; integrity of work respected
Compulsory licence fee(s)	not required
Price of publication	use is for non-profit purposes
Distribution conditions	distribution or use exclusively within the territory of the Cuban State
Grantor of compulsory licence	competent authority

9. TPM/RMI Exceptions for Educational Purposes

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<sup>1066</sup> Art. 36 uses the term "use".

<sup>1067</sup> Art. 36 uses the term "use".

## Cyprus

### 1. Treaties & Legislation

Treaties:

Berne Convention: February 24, 1964 (Paris Act (1971): July 27, 1983)

WIPO Copyright Treaty: November 4, 2003

WIPO Performances and Phonograms Treaty: December 2, 2005

Legislation:

Copyright Laws 1976 to 1993 (Law No. 59 of December 3, 1976, as amended by Law No. 18(I), 1993)

### 2. Private/Personal Use

Provision	s 7(1)(a)
Scope of private/personal use	reproduction, sale, rental, distribution, lending, advertising, exhibiting in public, communication to the public, broadcasting, translation, adaptation and other arrangement, by way of fair dealing
Type(s) of source work(s)	the whole (literary, musical or artistic work or cinematograph film), (sound recording, broadcast), <sup>1068</sup> or a substantial part
Entity exercising private/personal use	
Purpose of private/personal use	research, private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	(if use in public) title and author, except where work is incidentally included in a broadcast
Subject to Remuneration	not required ("copyright ... shall not include the right")

### 3. Quotations

Provision	s 7(1)(a)
Scope of quotation	reproduction, sale, rental, distribution, lending, advertising, exhibiting in public, communication to the public, broadcasting, translation, adaptation and other arrangement, by way of fair dealing
Type(s) of source work(s)	the whole (literary, musical or artistic work or cinematograph film), (sound recording, broadcast), <sup>1069</sup> or a substantial part
Entity exercising quotation	
Purpose of quotation	criticism or review
Condition of quotation	

<sup>1068</sup> Ss 9 (applying exceptions to sound recordings), 10(a) (applying exceptions to broadcasts).

<sup>1069</sup> Ss 9 (applying exceptions to sound recordings), 10(a) (applying exceptions to broadcasts).

Preclusions (not part of quotation)	
Subject to Attribution	(if use in public) title and author, except where work is incidentally included in a broadcast
Subject to Remuneration	not required ("copyright ... shall not include the right")

Provision	s 7(1)(f)
Scope of quotation	quotation
Type(s) of source work(s)	passages from published works, (sound recording, broadcast), <sup>1070</sup> including extracts from newspaper articles and magazines in the form of press summaries
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation compatible with fair practice  quotation does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("copyright ... shall not include the right")

#### 4. Research/Educational Reproduction

Provision	s 7(1)(j)
Scope of research/educational reproduction	any use
Type(s) of source work(s)	a work, (sound recording, broadcast) <sup>1071</sup>
Entity exercising reproduction	public libraries, non-commercial collection and documentation centres and scientific institutions as may be prescribed
Purpose of educational reproduction	use is in the public interest
Condition of reproduction	no revenue is derived therefrom  no admission fee is charged for the communication, if any, to the public of the work
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... shall not include the right")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 7(1)(e)
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<sup>1070</sup> Ss 9 (applying exceptions to sound recordings), 10(a) (applying exceptions to broadcasts).

<sup>1071</sup> Ss 9 (applying exceptions to sound recordings), 10(a) (applying exceptions to broadcasts).



Scope of anthologies/compilations limitation/exception	inclusion in a collection of works
Type(s) of source work(s)	a work, (sound recording, broadcast), <sup>1072</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	illustration for teaching purposes
Condition of anthologies/compilations limitation/exception	compatible with fair practice
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("copyright ... shall not include the right")

6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	s 7(1)(e)
Scope of broadcast/communication/recording	inclusion in a broadcast, communication to the public, sound recording, cinematograph film
Type(s) of source work(s)	a work, (sound recording, broadcast) <sup>1073</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	illustration for teaching purposes
Condition of broadcast/communication/recording	compatible with fair practice
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("copyright ... shall not include the right")

Provision	s 7(1)(j)
Scope of broadcast/communication/recording	any use [including communication]
Type(s) of source work(s)	a work, (sound recording, broadcast) <sup>1074</sup>
Entity exercising broadcast/communication/recording	public libraries, non-commercial collection and documentation centres and scientific institutions as may be prescribed
Purpose of broadcast/communication/recording	use is in the public interest

<sup>1072</sup> Ss 9 (applying exceptions to sound recordings), 10(a) (applying exceptions to broadcasts).<sup>1073</sup> Ss 9 (applying exceptions to sound recordings), 10(a) (applying exceptions to broadcasts).<sup>1074</sup> Ss 9 (applying exceptions to sound recordings), 10(a) (applying exceptions to broadcasts).

Condition of broadcast/communication/recording	no revenue is derived therefrom  no admission fee is charged for the communication, if any, to the public of the work
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... shall not include the right")

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Czech Republic

### 1. Treaties & Legislation

Treaties:

Berne Convention: January 1, 1993 (Paris Act (1971): January 1, 1993)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

Consolidated Version of Act No. 121/2000 Coll., on Copyright and Rights Related to Copyright and on Amendment to Certain Acts (the Copyright Act, as amended by Act No. 81/2005 Coll., Act No. 61/2006 Coll. and Act No. 216/2006 Coll.); Decree of October 16, 2006, defining types of devices for making reproductions, types of blank record carriers and the amount of lump-sum remuneration, as amended by Decree No. 408/2008 Coll.

### 2. Private/Personal Use

Provision	Arts. 30, 25
Scope of private/personal use	any use
Type(s) of source work(s)	a work, performance, <sup>1075</sup> phonogram, <sup>1076</sup> audiovisual or any other fixation <sup>1077</sup> or broadcast <sup>1078</sup> made public and may be reproduced
Entity exercising private/personal use	natural person
Purpose of private/personal use	for personal use/needs
Condition of private/personal use	without seeking to achieve direct or indirect economic benefit <sup>1079</sup>  reproduction made may not be used for any other purpose <sup>1080</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	computer program, electronic database, <sup>1081</sup> work of architecture in the form of building, <sup>1082</sup> fixation of an audiovisual work <sup>1083</sup>
Subject to Attribution	reproduction or imitation of work of fine arts made by natural person for personal use: to be "visibly designated as such" <sup>1084</sup>

<sup>1075</sup> Art. 74.

<sup>1076</sup> Art. 78.

<sup>1077</sup> Art. 82.

<sup>1078</sup> Art. 86.

<sup>1079</sup> Art. 30(1).

<sup>1080</sup> Art. 30(5).

<sup>1081</sup> Art. 30(3).

<sup>1082</sup> Art. 30(3).

<sup>1083</sup> Art. 30(3).

<sup>1084</sup> Art. 30(4).

Subject to Remuneration	<p>using a device for making printed reproductions on paper or other similar base<sup>1085</sup>: remuneration payable by producer/importer/consignee/carrier<sup>1086</sup> of devices for making printed reproductions and technical devices, and provider of paid reproduction services,<sup>1087</sup> at time of import/receipt/first sale<sup>1088</sup>, [to CMOs] to be distributed to authors<sup>1089</sup></p> <p>fixation/transfer by means of a device to blank record carriers<sup>1090</sup>: remuneration payable by producer/importer/consignee/carrier<sup>1091</sup> of blank record carriers and provider of paid reproduction services,<sup>1092</sup> at time of import/receipt/first sale<sup>1093</sup>, [to CMOs] to be distributed to authors,<sup>1094</sup> performers,<sup>1095</sup> producers<sup>1096</sup></p>
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Provision	Arts. 30a, 25
Scope of private/personal use	printed reproduction, on paper or other similar base by photographic technique or by any other process with similar effects
Type(s) of source work(s)	a work made public
Entity exercising private/personal use	natural person, legal person/sole trader, anybody, who upon order, for personal use by a natural person or for a legal person/sole trader's own internal use
Purpose of private/personal use	personal or internal use
Condition of private/personal use	natural person: reproduction may not be used for any other purpose <sup>1097</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	musical notation of a musical work or musical – dramatical work, computer program <sup>1098</sup>

<sup>1085</sup> Art. 25(1)(a). Decree of October 16, 2006, defining types of devices for making reproductions, types of blank record carriers and the amount of lump-sum remuneration, as amended by Decree No. 408/2008 Coll further spells out what these devices are.

<sup>1086</sup> Art. 25(2)(b).

<sup>1087</sup> Art. 25(2)(e).

<sup>1088</sup> Art. 25(3). Art. 25 goes on to spell out the calculations of the remuneration payable.

<sup>1089</sup> Art. 25(3).

<sup>1090</sup> Art. 25(1)(b). Decree of October 16, 2006, defining types of devices for making reproductions, types of blank record carriers and the amount of lump-sum remuneration, as amended by Decree No. 408/2008 Coll further spells out what these record carriers are.

<sup>1091</sup> Art. 25(2)(c), (d).

<sup>1092</sup> Art. 25(3)(e).

<sup>1093</sup> Art. 25(3).

<sup>1094</sup> Art. 25(3).

<sup>1095</sup> Art. 71(3).

<sup>1096</sup> Arts. 76(4), 80(3).

<sup>1097</sup> Art. 30(5).

<sup>1098</sup> Art. 66(7).

Subject to Attribution	reproduction or imitation of work of fine arts made by natural person for personal use: to be "visibly designated as such"
Subject to Remuneration	printed reproductions: remuneration payable by producer/importer/consignee/carrier <sup>1099</sup> of devices for making printed reproductions and technical devices, and provider of paid reproduction services, <sup>1100</sup> at time of import/receipt/first sale <sup>1101</sup> , [to CMOs] to be distributed to authors <sup>1102</sup>

### 3. Quotations

Provision	Art. 31(1)(a)
Scope of quotation	use excerpts (and further use of excerpts) <sup>1103</sup> in [entity's] own works
Type(s) of source work(s)	works, performances, <sup>1104</sup> phonograms, <sup>1105</sup> audiovisual or any other fixations <sup>1106</sup> or broadcasts, <sup>1107</sup> of other authors which were made public
Entity exercising quotation	author of own work
Purpose of quotation	
Condition of quotation	to a justified extent
Preclusions (not part of quotation)	computer program <sup>1108</sup>
Subject to Attribution	title, source, author (unless anonymous or pseudonym is used)
Subject to Remuneration	not required ("Copyright is not infringed")

Provision	Art. 31(1)(b)
Scope of quotation	uses excerpts (and further use of excerpts) <sup>1109</sup>
Type(s) of source work(s)	works, or small works in their entirety, , performances, <sup>1110</sup> phonograms, <sup>1111</sup> audiovisual or any other fixations <sup>1112</sup> or broadcasts, <sup>1113</sup>
Entity exercising quotation	anybody
Purpose of quotation	critique or review related to such a work o for the purposes of scientific or technical work

<sup>1099</sup> Art. 25(2)(b).

<sup>1100</sup> Art. 25(2)(e).

<sup>1101</sup> Art. 25(3). Art. 25 goes on to spell out the calculations of the remuneration payable.

<sup>1102</sup> Art. 25(3).

<sup>1103</sup> Art. 31(2).

<sup>1104</sup> Art. 74.

<sup>1105</sup> Art. 78.

<sup>1106</sup> Art. 82.

<sup>1107</sup> Art. 86.

<sup>1108</sup> Art. 66(7).

<sup>1109</sup> Art. 31(2).

<sup>1110</sup> Art. 74.

<sup>1111</sup> Art. 78.

<sup>1112</sup> Art. 82.

<sup>1113</sup> Art. 86.

Condition of quotation	use of excerpts/small works in their entirety to extent complying with fair practices and required by specific purpose
Preclusions (not part of quotation)	computer program <sup>1114</sup>
Subject to Attribution	title, source, author (unless anonymous or pseudonym is used)
Subject to Remuneration	not required ("Copyright is not infringed")

#### 4. Research/Educational Reproduction

Provision	Art. 31(1)(c)
Scope of research/educational reproduction	use
Type(s) of source work(s)	work, performance, <sup>1115</sup> phonogram, <sup>1116</sup> audiovisual or any other fixation <sup>1117</sup> or broadcast <sup>1118</sup>
Entity exercising reproduction	
Purpose of educational reproduction	while teaching for illustration purposes or during scientific research
Condition of reproduction	without seeking to achieve direct or indirect economic or commercial advantage  source work not to include computer program <sup>1119</sup>
Frequency/copies and limits	without exceeding extent adequate to given purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	title, source, author (unless anonymous or pseudonym is used)
Subject to Remuneration	not required ("Copyright is not infringed")

Provision	Art. 35(3)
Scope of research/educational reproduction	use
Type(s) of source work(s)	a work, performance, <sup>1120</sup> phonogram, <sup>1121</sup> audiovisual or any other fixation <sup>1122</sup> created by a pupil or student as part of his school or educational assignments ensuing from his legal relationship to his school or the school-related or educational establishment (school work)

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<sup>1114</sup> Art. 66(7).

<sup>1115</sup> Art. 74.

<sup>1116</sup> Art. 78.

<sup>1117</sup> Art. 82.

<sup>1118</sup> Art. 86.

<sup>1119</sup> Art. 66(7).

<sup>1120</sup> Art. 74.

<sup>1121</sup> Art. 78.

<sup>1122</sup> Art. 82.

Entity exercising reproduction	a school or school-related or educational establishment
Purpose of educational reproduction	use for teaching purposes or to meet their own internal needs a work
Condition of reproduction	not done for the purpose of any direct or indirect economic or commercial advantage  source work not to include computer program <sup>1123</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	

5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances

Provision	Art. 35(2)
Scope of school performance	uses, during school performances,
Type(s) of source work(s)	a work, performance, <sup>1124</sup> phonogram, <sup>1125</sup> audiovisual or any other fixation <sup>1126</sup>
Entity exercising school performance	anyone
Purpose of school performance	performed exclusively by the pupils, students or teachers of the school or of the school-related or educational establishment
Condition of school performance	not done for the purpose of any direct or indirect economic or commercial advantage
Preclusions (not part of school performance)	computer program <sup>1127</sup>
Subject to Attribution	
Subject to Remuneration	not required ("Copyright is not infringed")

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 31(1)(c)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	work, performance, <sup>1128</sup> phonogram, <sup>1129</sup> audiovisual or any other fixation <sup>1130</sup> or broadcast <sup>1131</sup>
Entity exercising broadcast/communication/recording	[anybody]

<sup>1123</sup> Art. 66(7).<sup>1124</sup> Art. 74.<sup>1125</sup> Art. 78.<sup>1126</sup> Art. 82.<sup>1127</sup> Art. 66(7).<sup>1128</sup> Art. 74.<sup>1129</sup> Art. 78.<sup>1130</sup> Art. 82.<sup>1131</sup> Art. 86.

Purpose of broadcast/communication/recording	while teaching for illustration purposes or during scientific research
Condition of broadcast/communication/recording	without seeking to achieve direct or indirect economic or commercial advantage
Frequency/limits of broadcast/communication/recording	without exceeding extent adequate to given purpose
Preclusions (not part of broadcast/communication/recording)	source work not to include computer program <sup>1132</sup>
Subject to Attribution	title, source, author (unless anonymous or pseudonym is used)
Subject to Remuneration	not required ("Copyright is not infringed")

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 43(4)
Scope of TPM/RMI restriction	require author who used technical measures in respect of his work to make work available to lawful users
Type(s) of source work(s)	work, performance, <sup>1133</sup> phonogram, <sup>1134</sup> audiovisual or any other fixation <sup>1135</sup> or broadcast <sup>1136</sup>
Beneficiary exercising restriction	lawful users: users who use work for personal use or internal use (Art. 30a), or for critique, review, scientific or technical work (Art. 31(1)(b))
Purpose of restriction	to the extent necessary to fulfil the purpose of the stated exploitation of work [pursuant to exception]
Condition of restriction	

<sup>1132</sup> Art. 66(7).

<sup>1133</sup> Art. 74.

<sup>1134</sup> Art. 78.

<sup>1135</sup> Art. 82.

<sup>1136</sup> Art. 86.



## Democratic People's Republic of Korea

### 1. Treaties & Legislation

Treaties:

Berne Convention: April 28, 2003 (Paris Act (1971): April 28, 2003)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Law of the Democratic People's Republic of Korea (as amended by Decree No. 1532 of February 1, 2006, of the Presidium of the Supreme People's Assembly)

### 2. Private/Personal Use

Provision	Arts. 32.1, 40
Scope of private/personal use	reproduction or translation for use
Type(s) of source work(s)	a copyrighted work, (a performance, sound- or video-recording or broadcast) <sup>1137</sup>
Entity exercising private/personal use	by an individual or within the family
Purpose of private/personal use	
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("without the permission of the copyright holder")

### 3. Quotations

Provision	Arts. 32.6, 40
Scope of quotation	quotation
Type(s) of source work(s)	a copyrighted work, (a performance, sound- or video-recording or broadcast) <sup>1138</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("without the permission of the copyright holder")

<sup>1137</sup> Art. 40 (permitting use of subject matter from related rights without permission of related rights holder in such cases as specified in Art. 32).

<sup>1138</sup> Art. 40 (permitting use of subject matter from related rights without permission of related rights holder in such cases as specified in Art. 32).

4. Research/Educational Reproduction

Provision	Arts. 32.3, 40
Scope of research/educational reproduction	copied or adapted
Type(s) of source work(s)	a copyrighted work, (a performance, sound- or video-recording or broadcast) <sup>1139</sup>
Entity exercising reproduction	
Purpose of educational reproduction	school education
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without the permission of the copyright holder")

5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances

Provision	Arts. 32.7, 40
Scope of school performance	performance
Type(s) of source work(s)	a copyrighted work, (a performance, sound- or video-recording or broadcast) <sup>1140</sup>
Entity exercising school performance	
Purpose of school performance	
Condition of school performance	free of charge
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("without the permission of the copyright holder")

7. Educational Broadcasts/Communications/Recordings

Provision	Arts. 32.3, 40
Scope of broadcast/communication/recording	broadcast or adapted
Type(s) of source work(s)	a copyrighted work, (a performance, sound- or video-recording or broadcast) <sup>1141</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	school education
Condition of broadcast/communication/recording	

<sup>1139</sup> Art. 40 (permitting use of subject matter from related rights without permission of related rights holder in such cases as specified in Art. 32).

<sup>1140</sup> Art. 40 (permitting use of subject matter from related rights without permission of related rights holder in such cases as specified in Art. 32).

<sup>1141</sup> Art. 40 (permitting use of subject matter from related rights without permission of related rights holder in such cases as specified in Art. 32).

Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("without the permission of the copyright holder")

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Democratic Republic of the Congo

### 1. Treaties & Legislation

Treaties:

Berne Convention: October 8, 1963 (Paris Act (1971): January 31, 1975)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Ordinance-Law No. 86-033 of April 5, 1986 on the Protection of Copyright and Related Rights of Apr. 5, 1986

### 2. Private/Personal Use

### 3. Quotations

### 4. Research/Educational Reproduction

Provision	Art. 24
Scope of research/educational reproduction	reproduce quotations or excerpts
Type(s) of source work(s)	protected works
Entity exercising reproduction	
Purpose of educational reproduction	cultural, scientific, teaching, critical or polemic purposes
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, title, author
Subject to Remuneration	not required ("It shall be lawful")

Provision	Art. 27
Scope of research/educational reproduction	reproduction or summarization
Type(s) of source work(s)	lessons delivered as part of teaching
Entity exercising reproduction	the people to whom [lessons] are addressed
Purpose of educational reproduction	
Condition of reproduction	may not be published, in part or in full, without the written authorization of the authors or their successors
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("may be")

### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 25
Scope of anthologies/compilations limitation/exception	reproduce, in anthologies
Type(s) of source work(s)	photographs
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	to illustrate a text intended for teaching use and in scientific works
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be authorized")

Provision	Art. 28
Scope of anthologies/compilations limitation/exception	reproduction, by publication of corresponding photographs in school textbooks
Type(s) of source work(s)	an architectural work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	
Subject to Remuneration	not required ("may not give rise to payment of copyright")

## 6. School Performances

Provision	Art. 31
Scope of school performance	carrying out performances
Type(s) of source work(s)	a work already disseminated
Entity exercising school performance	
Purpose of school performance	
Condition of school performance	performance given free of charge in a teaching establishment during school hours  performance has a direct bearing on the subject of the lesson
Preclusions (not part of school performance)	
Subject to Attribution	

Subject to Remuneration	not required ("without prior authorization from the author")
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7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Denmark

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 1, 1903 (Paris Act (1971): June 30, 1979)

WIPO Copyright Treaty: March 14, 2010

WIPO Performances and Phonograms Treaty: March 14, 2010

Legislation:

Consolidated Act on Copyright 2014 (Consolidate Act No. 1144 of October 23, 2014, on Copyright)

### 2. Private/Personal Use

Provision	s 12
Scope of private/personal use	make or have made
Type(s) of source work(s)	works, (performances, <sup>1142</sup> sound recordings, <sup>1143</sup> recordings of moving pictures, <sup>1144</sup> radio and television broadcasts, <sup>1145</sup> phonographic pictures, <sup>1146</sup> catalogues, tables, databases etc. <sup>1147</sup> ) which have been made public
Entity exercising private/personal use	anyone
Purpose of private/personal use	private purposes; not done for commercial purposes
Condition of private/personal use	copies must not be used for any other purpose
Frequency/copies and limits	single copies
Preclusions (not part of private/personal use)	construct works of architecture, copy of art by casting, printing from original negative or base, or "any other manner implying that the copy can be considered as an original", copies in digital form of a digital database, copies of computer program, make single copies in digital form of other works (that are not lent or hired) <sup>1148</sup> than computer programs and databases unless this is done exclusively for the personal use of the copying person himself or his household <sup>1149</sup>  no rights to engage another to make copies of musical works, cinematographic works, literary works if the other person assists for commercial purposes, works of applied art and works of art

<sup>1142</sup> S 65(6).

<sup>1143</sup> S 66(2)

<sup>1144</sup> S 67(2).

<sup>1145</sup> S 69(3).

<sup>1146</sup> S 70(3).

<sup>1147</sup> S 71(5).

<sup>1148</sup> S 12(3).

<sup>1149</sup> S 12(2)(v).

	if copying is in the form of artistic reproduction <sup>1150</sup>  no entitlement to make copies of musical and cinematographic works using technical equipment made available to the public in libraries, on business premises, or in other places accessible to the public, or copies of literary works from technical equipment provided for commercial purposes <sup>1151</sup>
Subject to Attribution	if "work is used publicly" <sup>1152</sup> , source indicated in accordance with requirements of proper usage <sup>1153</sup>
Subject to Remuneration	levy payable by commercial producer/importer of tapes etc. onto which are copied works broadcast on radio or television or published on phonogram, film, videogram, through a joint organization representing authors, performers and other rightholders, to authors <sup>1154</sup>

### 3. Quotations

Provision	s 22
Scope of quotation	quote
Type(s) of source work(s)	a work, (performance, <sup>1155</sup> sound recording, <sup>1156</sup> recording of moving pictures, <sup>1157</sup> radio and television broadcast, <sup>1158</sup> catalogue, table, database etc. <sup>1159</sup> ) which has been made public
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	in accordance with proper usage and to extent required for the purpose
Preclusions (not part of quotation)	
Subject to Attribution	if "work is used publicly", source in accordance with proper usage <sup>1160</sup>
Subject to Remuneration	not required ("may quote")

### 4. Research/Educational Reproduction

Provision	s 13(1)
Scope of research/educational reproduction	copies (including recordings)

<sup>1150</sup> S 12(4).

<sup>1151</sup> S 12(5).

<sup>1152</sup> There is some ambiguity here: does this mean the source work is publicly available, or that the targeted work needs to be publicly available?

<sup>1153</sup> S 11(3).

<sup>1154</sup> S 39(1), (2). More details of the remuneration are spelt out in ss 40-46a.

<sup>1155</sup> S 65(6).

<sup>1156</sup> S 66(2).

<sup>1157</sup> S 67(2).

<sup>1158</sup> S 69(3).

<sup>1159</sup> S 71(5).

<sup>1160</sup> S 11(3).



Type(s) of source work(s)	published works, works broadcast in radio and television (not applicable to cinematographic works which are part of general cinema repertoire of feature films except brief excerpts, <sup>1161</sup> not applicable to computer programs <sup>1162</sup> ), (performances, <sup>1163</sup> sound recordings, <sup>1164</sup> recordings of moving pictures, <sup>1165</sup> radio and television phonographic pictures, <sup>1166</sup> catalogues, tables, databases etc. <sup>1167</sup> )
Entity exercising reproduction	anyone
Purpose of educational reproduction	only in educational activities comprised by collective licence presumed in section 50
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	if "work is used publicly" <sup>1168</sup> , source indicated in accordance with requirements of proper usage <sup>1169</sup>
Subject to Remuneration	"extended collective license" <sup>1170</sup>

Provision	s 23(1)
Scope of research/educational reproduction	use
Type(s) of source work(s)	works of art and works of a descriptive nature (i.e. maps, drawings) <sup>1171</sup> , (phonographic pictures <sup>1172</sup> )
Entity exercising reproduction	
Purpose of educational reproduction	in critical or scientific presentations in connection with the text
Condition of reproduction	no reproduction for commercial purposes in accordance with proper usage
Frequency/copies and limits	to extent required for the purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	if "work is used publicly" <sup>1173</sup> , source in accordance with proper usage <sup>1174</sup>

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<sup>1161</sup> S 13(2).

<sup>1162</sup> S 13(3).

<sup>1163</sup> S 65(6).

<sup>1164</sup> S 66(2).

<sup>1165</sup> S 67(2).

<sup>1166</sup> S 70(3).

<sup>1167</sup> S 71(5).

<sup>1168</sup> \*\*\* does this mean the source work is publicly available, or that the targeted work is publicly available? \*\*\*

<sup>1169</sup> S 11(3).

<sup>1170</sup> S 50 (giving licensees who have made an agreement with a CMO for a substantial number of authors, the right to exploit other works of the same nature even though authors of these other works are not represented by the CMO).

<sup>1171</sup> S 1(2).

<sup>1172</sup> S 70(3).

<sup>1173</sup> \*\*\* does this mean the source work is publicly available, or that the targeted work is publicly available? \*\*\*

<sup>1174</sup> S 11(3).

Subject to Remuneration	not required ("may be used")
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#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 18
Scope of anthologies/compilations limitation/exception	minor portions, used in composite works comprising contributions by a large number of authors
Type(s) of source work(s)	literary works (including maps, drawings and other works of a descriptive nature executed in graphic or plastic form considered as literary works), <sup>1175</sup> musical works, (performances, <sup>1176</sup> sound recordings, <sup>1177</sup> recordings of moving pictures, <sup>1178</sup> phonographic pictures, <sup>1179</sup> catalogues, tables, databases etc. <sup>1180</sup> ) or such works of small proportions
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	educational activities
Condition of anthologies/compilations limitation/exception	use is <i>not</i> for commercial purposes
Frequency/copies and limits	5 years have lapsed since year of first publication
Preclusions (not part of anthologies/compilations limitation/exception)	works prepared for use in educational activities
Subject to Attribution	if "work is used publicly" <sup>1181</sup> , source in accordance with proper usage <sup>1182</sup>
Subject to Remuneration	remuneration entitlement for author <sup>1183</sup>

Provision	s 18(3)
Scope of anthologies/compilations limitation/exception	use in song booklets
Type(s) of source work(s)	a few published songs
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	solely for use of participants in a particular meeting
Condition of anthologies/compilations limitation/exception	

<sup>1175</sup> S 1(2) read with s 18(1).

<sup>1176</sup> S 65(6).

<sup>1177</sup> S 66(2)

<sup>1178</sup> S 67(2).

<sup>1179</sup> S 70(3).

<sup>1180</sup> S 71(5).

<sup>1181</sup> \*\*\* does this mean the source work is publicly available, or that the targeted work is publicly available? \*\*\*

<sup>1182</sup> S 11(3).

<sup>1183</sup> If no agreement is reached on quantum of remuneration, the dispute may be brought before the Copyright License Tribunal under s 47.

Frequency/copies and limits	not more than 300 copies of each booklet may be produced
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	if "work is used publicly" <sup>1184</sup> , source in accordance with proper usage <sup>1185</sup>
Subject to Remuneration	not required ("freely used")

## 6. School Performances

Provision	s 21
Scope of school performance	public performance
Type(s) of source work(s)	a published work, which is not a dramatic work or a cinematographic work, or (performances, <sup>1186</sup> sound recordings, <sup>1187</sup> radio and television broadcasts, <sup>1188</sup> phonographic pictures, <sup>1189</sup> catalogues, tables, databases etc. <sup>1190</sup> )
Entity exercising school performance	
Purpose of school performance	[inter alia] educational activities
Condition of school performance	audience is admitted free of charge, performance is not the main feature of the event, and where event does not occur for commercial purposes
Preclusions (not part of school performance)	does not apply to performances on radio or television and to performances in educational activities which occur for commercial purposes
Subject to Attribution	if "work is used publicly" <sup>1191</sup> , source indicated in accordance with requirements of proper usage <sup>1192</sup>
Subject to Remuneration	not required ("may be performed")

## 7. Educational Broadcasts/Communications/Recordings

Provision	s 13(1)
Scope of broadcast/communication/recording	copies (including recordings)
Type(s) of source work(s)	published works, works broadcast in radio and television (not applicable to cinematographic works which are part of general cinema repertoire of feature films except brief excerpts, <sup>1193</sup> not applicable to computer

<sup>1184</sup> \*\*\* does this mean the source work is publicly available, or that the targeted work is publicly available? \*\*\*

<sup>1185</sup> S 11(3).

<sup>1186</sup> S 65(6).

<sup>1187</sup> S 66(2)

<sup>1188</sup> S 69(3).

<sup>1189</sup> S 70(3).

<sup>1190</sup> S 71(5).

<sup>1191</sup> \*\*\* does this mean the source work is publicly available, or that the targeted work is publicly available? \*\*\*

<sup>1192</sup> S 11(3).

<sup>1193</sup> S 13(2).

	programs <sup>1194</sup> ), (performances, <sup>1195</sup> sound recordings, <sup>1196</sup> recordings of moving pictures, <sup>1197</sup> radio and television phonographic pictures, <sup>1198</sup> catalogues, tables, databases etc. <sup>1199</sup> )
Entity exercising broadcast/communication/recording	anyone
Purpose of broadcast/communication/recording	only in educational activities comprised by collective licence presumed in section 50
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	if "work is used publicly" <sup>1200</sup> , source in accordance with proper usage <sup>1201</sup>
Subject to Remuneration	"extended collective license" <sup>1202</sup>

Provision	s 13(4)
Scope of broadcast/communication/recording	recordings
Type(s) of source work(s)	own performances of works, (performances, <sup>1203</sup> sound recordings, <sup>1204</sup> recordings of moving pictures, <sup>1205</sup> phonographic pictures, <sup>1206</sup> catalogues, tables, databases etc. <sup>1207</sup> )
Entity exercising broadcast/communication/recording	teachers and students
Purpose of broadcast/communication/recording	not done for commercial purposes recordings may not be used for any other purpose
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	

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<sup>1194</sup> S 13(3).

<sup>1195</sup> S 65(6).

<sup>1196</sup> S 66(2)

<sup>1197</sup> S 67(2).

<sup>1198</sup> S 70(3).

<sup>1199</sup> S 71(5).

<sup>1200</sup> \*\*\* does this mean the source work is publicly available, or that the targeted work is publicly available? \*\*\*

<sup>1201</sup> S 11(3).

<sup>1202</sup> S 50 (giving licensees who have made an agreement with a CMO for a substantial number of authors, the right to exploit other works of the same nature even though authors of these other works are not represented by the CMO).

<sup>1203</sup> S 65(6).

<sup>1204</sup> S 66(2)

<sup>1205</sup> S 67(2).

<sup>1206</sup> S 70(3).

<sup>1207</sup> S 71(5).

Subject to Attribution	if “work is used publicly” <sup>1208</sup> , source in accordance with proper usage <sup>1209</sup>
Subject to Remuneration	not required[?] ("may ... make recordings")

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

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<sup>1208</sup> \*\*\* does this mean the source work is publicly available, or that the targeted work is publicly available? \*\*\*

<sup>1209</sup> S 11(3).

## Djibouti

### 1. Treaties & Legislation

Treaties:

Berne Convention: May 13, 2002 (Paris Act (1971): May 13, 2002)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law No. 154/AN/06 of 23 July 2006 on the Protection of Copyright and Neighboring Rights

### 2. Private/Personal Use

Provision	Arts. 54(a), 65(d)
Scope of private/personal use	reproduction, translation, adaptation, arrangement or other transformation
Type(s) of source work(s)	a lawfully published protected work, (a performance, phonogram or broadcast) <sup>1210</sup>
Entity exercising private/personal use	
Purpose of private/personal use	exclusively for producer's own personal or private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	(reproduction of sound, visual, audiovisual recording on physical media of works, performance or phonograms) remuneration of a sum to be based on the nature and recording length of these physical media, by producers or importers of physical media, for Djiboutian authors, performers and phonogram producers <sup>1211</sup>

Provision	Art 54(i)
Scope of private/personal use	production of a copy or adaptation
Type(s) of source work(s)	software
Entity exercising private/personal use	legitimate owner
Purpose of private/personal use	archiving/backup or necessary for use of computer program
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	
Subject to Attribution	

<sup>1210</sup> Art. 65(d) (limiting neighboring rights in relation to reproduction solely for personal and private use of producer).

<sup>1211</sup> Art. 66. Arts. 67, 68 contain more details about the rates of remuneration and means of payment and reimbursement.

Subject to Remuneration	not required ("permissible without the author's consent")
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### 3. Quotations

Provision	Art. 54(b)
Scope of quotation	inclusion of nonsubstantial quotations
Type(s) of source work(s)	another lawfully published work, including newspaper articles and periodicals in the form of press summaries
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotations are compatible with fair practice  extent does not exceed that justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("permissible without the author's consent")

Provision	Art. 65(e)
Scope of quotation	reproduction, in the form of quotation
Type(s) of source work(s)	a performance, a phonogram or a broadcast <sup>1212</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	"short fragments" of a performance, a phonogram or a broadcast  quotations are compatible with fair practice  their extent does not exceed that justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of a consideration")

### 4. Research/Educational Reproduction

Provision	Art. 54(e)
Scope of research/educational reproduction	reproduction by photographic or similar process
Type(s) of source work(s)	literary, artistic or scientific works which have already been lawfully made available to the public  use of a performance, a phonogram or a broadcast <sup>1213</sup>

<sup>1212</sup> Art. 65(e) (limiting neighboring rights in relation to reproduction in the form of quotation).

<sup>1213</sup> Art. 65(f) (applying copyright exceptions mutatis mutandis to neighboring rights).

Entity exercising reproduction	public libraries, noncommercial documentation centers, scientific institutions and educational establishments
Purpose of educational reproduction	
Condition of reproduction	
Frequency/copies and limits	number of copies made is limited to the needs of their regular activities
Preclusions (not part of research/educational reproduction)	such reproduction "does not conflict with the normal uses of the work nor unreasonably prejudices the legitimate interests of the author"
Subject to Attribution	
Subject to Remuneration	not required ("not required ("permissible without the author's consent"))

Provision	Art. 65(b)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a performance, phonogram or broadcast <sup>1214</sup>
Entity exercising reproduction	
Purpose of educational reproduction	solely for scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of a consideration")

##### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 54(c)
Scope of anthologies/compilations limitation/exception	use, by way of illustration in publications
Type(s) of source work(s)	a work, (a performance, a phonogram or a broadcast <sup>1215</sup> )
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for teaching/for teaching purposes for use in schools, educational establishments, universities and vocational training
Condition of anthologies/compilations limitation/exception	use to be compatible with fair practice
Frequency/copies and limits	to the extent justified by the intended purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (in publication, broadcast, recording)
Subject to Remuneration	not required ("not required ("permissible without the author's consent"))

<sup>1214</sup> Art. 65(b) (limiting neighboring rights in relation to reproduction solely for scientific research).

<sup>1215</sup> Art. 65(f) (applying copyright exceptions mutatis mutandis to neighboring rights).



**6. School Performances**

Provision	Art. 54(d)
Scope of school performance	public performance
Type(s) of source work(s)	a work, (a performance, a phonogram or a broadcast) <sup>1216</sup>
Entity exercising school performance	teaching establishment
Purpose of school performance	teaching activities
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not required ("permissible without the author's consent"))

**7. Educational Broadcasts/Communications/Recordings**

Provision	Art. 54(c)
Scope of broadcast/communication/recording	use, by way of illustration in broadcasts or sound or visual recordings, or communication of work broadcasted
Type(s) of source work(s)	a work, (a performance, a phonogram or a broadcast) <sup>1217</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for teaching/for teaching purposes for use in schools, educational establishments, universities and vocational training
Condition of broadcast/communication/recording	use to be compatible with fair practice
Frequency/limits of broadcast/communication/recording	to the extent justified by the intended purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (in publication, broadcast, recording)
Subject to Remuneration	not required ("not required ("permissible without the author's consent"))

**8. Compulsory Licences for Educational Reproductions and Translations**

Provision	Art. 55
Nature of compulsory licence for translation for educational purposes	non-exclusive compulsory licence, for translation and publication of work in Djibouti
Scope of compulsory licence for digital copying and dissemination	probably digital reproduction <sup>1218</sup>

<sup>1216</sup> Art. 65(f) (applying copyright exceptions mutatis mutandis to neighboring rights).

<sup>1217</sup> Art. 65(f) (applying copyright exceptions mutatis mutandis to neighboring rights).

<sup>1218</sup> Art. 10.1(1) (defining the reproduction right as "reproducing the work in any format whatsoever, including in the form of cinematographic films and sound recordings by any processes that enable it to be indirectly communicated to the public;"). The reproduction right is implied in the publication right.

	probably digital publication <sup>1219</sup> no digital dissemination <sup>1220</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	a writing
Licence applicant/entity	
Purpose of licence	license intended for school, university or research use
Condition of licence	written publication has not been previously translated and published in Djibouti within 1 year from first publication by owner or with his authorization, or if all previous editions of a translation are out of print  applicant establishes that, after due diligence on his part, he was unable to find the owner of the right of translation or to obtain his authorization
Compulsory licence fee(s)	owner of translation right to receive just and equitable compensation
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Ministry responsible for culture
Provision	Art. 56
Nature of compulsory licence for translation for educational purposes	licence to translate, for broadcast
Scope of compulsory licence for digital copying and dissemination	probably digital reproduction <sup>1221</sup> no digital publication <sup>1222</sup> probably no digital dissemination <sup>1223</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	any work, and any text incorporated in an audiovisual work that is itself prepared and published for school and university use
Licence applicant/entity	Djibouti Radio and Television
Purpose of licence	translation is used only in broadcasts intended exclusively for teaching or for the dissemination of the result of specialized research to experts in a particular profession
Condition of licence	
Compulsory licence fee(s)	

<sup>1219</sup> Art. 10.1(1) (defining the reproduction right as "reproducing the work in any format whatsoever, including in the form of cinematographic films and sound recordings by any processes that enable it to be indirectly communicated to the public;").

<sup>1220</sup> Art. 10.1(3) (defining the communication right as "communicating the work to the public by any means or process of telecommunication, of sounds, data, images or messages of any kind;").

<sup>1221</sup> Art. 10.1(1) (defining the reproduction right as "reproducing the work in any format whatsoever, including in the form of cinematographic films and sound recordings by any processes that enable it to be indirectly communicated to the public;"). The reproduction right is implied in the translation right.

<sup>1222</sup> No reference to a licence to publish in Art. 56. Art. 10.1(1) (defining the reproduction right as "reproducing the work in any format whatsoever, including in the form of cinematographic films and sound recordings by any processes that enable it to be indirectly communicated to the public;").

<sup>1223</sup> Only the economic right "broadcast" is referred to, rather than the broader "communication to the public" right. See Art. 10.1(3) (defining the communication right as "communicating the work to the public by any means or process of telecommunication, of sounds, data, images or messages of any kind;"); Art. 10.1(2) (providing for a separate economic right of "representing, performing or reciting the work in public, directly or by any means or process whatsoever, including sound or visual broadcast").

Price of publication	
Distribution conditions	
Grantor of compulsory licence	

Provision	Art. 57
Nature of compulsory licence for reproduction for educational purposes	non-exclusive compulsory licence for reproduction and publication in Djibouti
Scope of compulsory licence for digital copying and dissemination	probably digital reproduction <sup>1224</sup> probably digital publication <sup>1225</sup> probably no digital dissemination <sup>1226</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	literary, scientific or artistic work published in print or as an audiovisual reproduction or in any other analogous form of reproduction
Licence applicant/entity	
Purpose of licence	school teaching and university requirements
Condition of licence	work in print/audiovisual reproduction was not offered for sale at a price comparable to that in use for similar works, or all previous editions are out of print, after: <ul style="list-style-type: none"> <li>– 5 years from first publication</li> <li>– 3 years from first publication of a work of natural and physical sciences and technology</li> <li>– 7 years from first publication of works that belong to the realm of the imagination, such as novels and poetic, dramatic and musical works, as well as art books, encyclopaedias and anthologies</li> </ul>
Compulsory licence fee(s)	owner of reproduction right to receive just and equitable compensation
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Ministry responsible for culture

## 9. TPM/RMI Exceptions for Educational Purposes

<sup>1224</sup> Art. 10.1(1) (defining the reproduction right as "reproducing the work in any format whatsoever, including in the form of cinematographic films and sound recordings by any processes that enable it to be indirectly communicated to the public;"). The reproduction right is implied in the translation right.

<sup>1225</sup> Art. 10.1(1) (defining the reproduction right as "reproducing the work in any format whatsoever, including in the form of cinematographic films and sound recordings by any processes that enable it to be indirectly communicated to the public;").

<sup>1226</sup> No reference to broadcast or communication rights for the licence.

## Dominica

### 1. Treaties & Legislation

Treaties:

Berne Convention: August 7, 1999 (Paris Act (1971): August 7, 1999)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act 2003 (Act 5 of 2003)

### 2. Private/Personal Use

Provision	s 63
Scope of private/personal use	private reproduction
Type(s) of source work(s)	a published work, adaptation of a literary, dramatic or musical work, <sup>1227</sup> (a performance, sound recording, broadcast) <sup>1228</sup>
Entity exercising private/personal use	any person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture, reprographic reproduction by electronic means of whole or substantial part of book or recording of musical work, whole or substantial part of a digital database, a computer program, any work where "reproduction would conflict with a normal exploitation of work or unreasonably prejudice legitimate interests of author or other copyright owner"
Subject to Attribution	
Subject to Remuneration	not required ("without the authorization of the author or owner of copyright")

### 3. Quotations

Provision	s 65
Scope of quotation	reproduction, in the form of quotation
Type(s) of source work(s)	a short part of a published work (or adaptation of a literary, dramatic or musical work <sup>1229</sup> ) that has been made available, (a performance, sound recording, broadcast) <sup>1230</sup>
Entity exercising quotation	
Purpose of quotation	

<sup>1227</sup> S 77.

<sup>1228</sup> S 30(d) (extending copyright limitations to neighbouring rights).

<sup>1229</sup> S 77.

<sup>1230</sup> S 30(d) (extending copyright limitations to neighbouring rights).

Condition of quotation	reproduction is compatible with "fair practice"; to determine if the reproduction constitutes "fair practice", the court shall take account of all factors, including: (a) the nature of the work in question; (b) the extent and substantiality of that part of the work affected by the fact in relation to the whole of the work; (c) the effect of that act upon the potential market on the commercial value of the work <sup>1231</sup>  reproduction does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("without the authorization of the author or other owner of copyright")

#### 4. Research/Educational Reproduction

Provision	s 67(1)(b)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	published articles, other short works or short extracts of work (or adaptation of a literary, dramatic or musical work <sup>1232</sup> )
Entity exercising reproduction	
Purpose of educational reproduction	face-to-face teaching in educational institutions
Condition of reproduction	activities of which do not serve direct or indirect commercial gain  no collective licence available by CMO of which educational institution is or should be aware
Frequency/copies and limits	to the extent justified by the purpose  isolated one; if repeated, each occurrence be separate and unrelated
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (on all copies made as far as practicable) <sup>1233</sup>
Subject to Remuneration	not required ("without the authorization of ... the author or other owner of copyright")

Provision	s 30(b)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a performance, sound recording, broadcast <sup>1234</sup>

<sup>1231</sup> S 66.

<sup>1232</sup> S 77.

<sup>1233</sup> S 67(2).

<sup>1234</sup> S 30(b).

Entity exercising reproduction	
Purpose of educational reproduction	solely for scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required (“[neighbouring rights] shall not apply”)

Provision	s 30(c)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a performance, sound recording, broadcast <sup>1235</sup>
Entity exercising reproduction	
Purpose of educational reproduction	solely for face-to-face teaching activities
Condition of reproduction	except for performances and phonograms which have been published as teaching or instructional materials
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required (“[neighbouring rights] shall not apply”)

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 67(1)(a)
Scope of anthologies/compilations limitation/exception	reproduction, by way of illustration, in writing, sound or visual recordings
Type(s) of source work(s)	short part of a published work (or adaptation of a literary, dramatic or musical work <sup>1236</sup> )
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	teaching purposes
Condition of anthologies/compilations limitation/exception	reproduction is compatible with fair practice
Frequency/copies and limits	does not exceed the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (on all copies made as far as practicable) <sup>1237</sup>
Subject to Remuneration	not required (“without the authorization of ... the author or other owner of copyright”)

<sup>1235</sup> S 30(c).

<sup>1236</sup> S 77.

<sup>1237</sup> S 67(2).

6. School Performances
7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Dominican Republic

### 1. Treaties & Legislation

Treaties:

Berne Convention: December 24, 1997 (Paris Act (1971): December 24, 1997)

WIPO Copyright Treaty: January 10, 2006

WIPO Performances and Phonograms Treaty: January 10, 2006

Legislation:

Law No. 65-00 on Copyright, as amended by Law No. 2-07 amending Article 189 of Law No. 65-00 on Copyright as amended by Article 4 of Law No. 493-06

### 2. Private/Personal Use

Provision	Art. 37
Scope of private/personal use	reproduce
Type(s) of source work(s)	a literary or scientific work, (performance, phonogram, broadcast) <sup>1238</sup>
Entity exercising private/personal use	
Purpose of private/personal use	personal use and not for profitmaking purposes
Condition of private/personal use	
Frequency/copies and limits	once and in a single copy
Preclusions (not part of private/personal use)	computer program <sup>1239</sup>
Subject to Attribution	not required
Subject to Remuneration	equitable remuneration for reprographic reproduction or for private copying of a sound or audiovisual recording, as established in the Regulations, for rightholder

Provision	Art. 44(4)
Scope of private/personal use	private communications
Type(s) of source work(s)	works, (performance, phonogram, broadcast) <sup>1240</sup>
Entity exercising private/personal use	
Purpose of private/personal use	domestic environment
Condition of private/personal use	without being reproduced not for profitmaking purposes
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("sole exceptions to the right of public communication")

<sup>1238</sup> Art. 134 (extending limitations and exceptions to neighbouring rights).

<sup>1239</sup> Arts. 37 (providing that computer programs are governed by guidelines expressly established), 74 (backing up of computer programs).

<sup>1240</sup> Art. 134 (extending limitations and exceptions to neighbouring rights).



### 3. Quotations

Provision	Art. 31
Scope of quotation	quote an author by transcribing the necessary passages
Type(s) of source work(s)	works, (performance, phonogram, broadcast) <sup>1241</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	
Preclusions (not part of quotation)	they are not of such length and continuity that they might reasonably be considered a simulated, substantial reproduction of the content of his work that causes injury to the author thereof
Subject to Attribution	source (other info identifying the work quoted), title, author
Subject to Remuneration	where inclusion of works of others constitutes main part of the new work: equitable assessment to award proportional amount to each of holders of rights in included works

### 4. Research/Educational Reproduction

Provision	Art. 32
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	articles lawfully published in newspapers or magazines, or brief extracts from lawfully published works, (performances, phonograms, broadcasts) <sup>1242</sup>
Entity exercising reproduction	
Purpose of educational reproduction	for teaching or for the holding of examinations in educational establishments
Condition of reproduction	such use is carried out in accordance with "fair practice"  no direct or indirect profitmaking purposes
Frequency/copies and limits	to the extent justified by the purpose  use does not entail sale or any other transaction for payment
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("may be reproduced")

Provision	Art. 40
Scope of research/educational reproduction	noting down and collection

<sup>1241</sup> Art. 134 (extending limitations and exceptions to neighbouring rights).

<sup>1242</sup> Art. 134 (extending limitations and exceptions to neighbouring rights).

Type(s) of source work(s)	lectures or talks delivered at establishments of higher, secondary or primary education
Entity exercising reproduction	students to whom lectures/talks are addressed
Purpose of educational reproduction	
Condition of reproduction	full or partial reproduction, distribution or communication of notes prohibited without written authorization of lecturer/speaker
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("may be freely noted down and collected")

5. Educational Publications/Anthologies/Compilations/Composite Works

6. School Performances

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 44(1)
Scope of broadcast/communication/recording	communications
Type(s) of source work(s)	works, (performances, phonograms, broadcasts) <sup>1243</sup>
Entity exercising broadcast/communication/recording	within the grounds or buildings of educational institutions
Purpose of broadcast/communication/recording	strictly educational purposes
Condition of broadcast/communication/recording	without being reproduced no charge whatsoever is made for admission
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("sole exceptions to the right of public communication")

8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 45
Nature of compulsory licence for translation for educational purposes	non-exclusive, non-transferable compulsory licence, for translation [and reproduction]
Scope of compulsory licence for digital copying and dissemination	digital reproduction probably digital publication <sup>1245</sup>

<sup>1243</sup> Art. 134 (extending limitations and exceptions to neighbouring rights).

<sup>1244</sup> The Dominican Republic Decree No. 362-01 Establishing the Implementing Regulations of the Law No. 65-00 on Copyright, Mar. 14, 2001, at <http://www.wipo.int/wipolex/en/details.jsp?id=1193> (in Spanish).

<sup>1245</sup> The licence to publish could be implied, especially with reference to the equitable remuneration payable for "freely negotiated licences", suggesting publication. Art. 16(26) (defining "publication" as "the production of copies which are made available to the public with the consent of the holder of the relevant right"); Art. 16(28) (defining "reproduction"

	probably no implied digital dissemination <sup>1246</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	foreign works, (performances, phonograms, broadcasts) <sup>1247</sup>
Licence applicant/entity	
Purpose of licence	
Condition of licence	to ensure a correct translation of the work
Compulsory licence fee(s)	holder of compulsory licence to pay a equitable remuneration to right owner <sup>1248</sup>
Price of publication	
Distribution conditions	
Grantor of compulsory licence	

Provision	Art. 45
Nature of compulsory licence for reproduction for educational purposes	non-exclusive, non-transferable compulsory licence, for reproduction
Scope of compulsory licence for digital copying and dissemination	digital reproduction probably digital publication <sup>1249</sup> probably no implied digital dissemination <sup>1250</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	foreign works, (performances, phonograms, broadcasts) <sup>1251</sup>
Licence applicant/entity	
Purpose of licence	
Condition of licence	to ensure an accurate reproduction of the edition
Compulsory licence fee(s)	holder of compulsory licence to pay a equitable remuneration to right owner <sup>1252</sup>
Price of publication	

as "the fixation, by any process, of a work or intellectual production in a physical medium that enables the communication thereof, including the electronic storage thereof, and the making of one or more copies of all or part of a work or phonogram, directly or indirectly, temporarily or permanently, by any means and in any form known or as yet unknown;").

<sup>1246</sup> Arts. 45, 46 make no references to "communication to the public". If at all, the licence to publish is implied, and even the definition of "reproduction" simply states that the work is on a physical medium that *enables* but does not necessitate or require communication. This is so especially since "publication" refers to the making available of *copies* of the work. Art. 16(5) (defining "communication to the public" as "the dissemination, by any process known or as yet unknown, of signs, words, sounds or images, in such a way that they may be perceived by one or more persons, regardless of whether the person or persons are able to receive them in the same place and at the same time or in different places and/or at different times").

<sup>1247</sup> Art. 134 (extending limitations and exceptions to neighbouring rights).

<sup>1248</sup> Art. 46.

<sup>1249</sup> Art. 16(26) (defining "publication" as "the production of copies which are made available to the public with the consent of the holder of the relevant right"); Art. 16(28) (defining "reproduction" as "the fixation, by any process, of a work or intellectual production in a physical medium that enables the communication thereof, including the electronic storage thereof, and the making of one or more copies of all or part of a work or phonogram, directly or indirectly, temporarily or permanently, by any means and in any form known or as yet unknown;").

<sup>1250</sup> Arts. 45, 46 make no references to "communication to the public". If at all, the licence to publish is implied, and even the definition of "reproduction" simply states that the work is on a physical medium that *enables* but does not necessitate or require communication. This is so especially since "publication" refers to the making available of *copies* of the work. Art. 16(5) (defining "communication to the public" as "the dissemination, by any process known or as yet unknown, of signs, words, sounds or images, in such a way that they may be perceived by one or more persons, regardless of whether the person or persons are able to receive them in the same place and at the same time or in different places and/or at different times").

<sup>1251</sup> Art. 134 (extending limitations and exceptions to neighbouring rights).

<sup>1252</sup> Art. 46.

Distribution conditions	
Grantor of compulsory licence	

9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 187 para. 1(a)
Scope of TPM/RMI restriction	circumvention of effective technological measures
Type(s) of source work(s)	a lawfully obtained copy of a computer program
Beneficiary exercising restriction	person
Purpose of restriction	noninfringing reverse engineering activities carried out in good faith with respect to particular elements of that computer program not available to person engaged in said activity, for the sole purpose of achieving interoperability of an independently created computer program with other programs
Condition of restriction	circumvention does not impair the adequacy of legal protection or the effectiveness of legal remedies against the circumvention of effective technological measures

Provision	Art. 187 para. 1(b)
Scope of TPM/RMI restriction	circumvention of effective technological measures
Type(s) of source work(s)	lawfully obtained copy, performance or sample of a work, unfixed performance or phonogram
Beneficiary exercising restriction	an appropriately qualified researcher
Purpose of restriction	noninfringing goodfaith activities for the sole purpose of identifying and analyzing flaws and vulnerabilities of technologies for the scrambling and descrambling of information
Condition of restriction	has made a goodfaith effort to obtain authorization for such activities  circumvention to the extent necessary  circumvention does not impair the adequacy of legal protection or the effectiveness of legal remedies against the circumvention of effective technological measures

Provision	Art. 187 para. 1(e)
Scope of TPM/RMI restriction	circumvention of effective technological measures
Type(s) of source work(s)	a work, performance or phonogram
Beneficiary exercising restriction	a nonprofitmaking library, archive or educational institution
Purpose of restriction	to enable access by beneficiary to source work not otherwise available to it, for the sole purpose of making decisions on acquisition

Condition of restriction	circumvention does not impair the adequacy of legal protection or the effectiveness of legal remedies against the circumvention of effective technological measures
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Provision	Art. 194 para. 1
Scope of TPM/RMI restriction	exempted from criminal penalties arising from offence of unauthorized circumvention of any effective technological measure that controls access to a protected work, performance or phonogram or other protected subject matter, or in a prohibited activity relating to rights management information, engaged intentionally and in order to obtain a commercial advantage or private financial gain
Type(s) of source work(s)	a protected work, performance or phonogram or other protected subject matter, or a prohibited activity relating to rights management information
Beneficiary exercising restriction	a nonprofitmaking library, archive, educational institution or public broadcasting organization
Purpose of restriction	
Condition of restriction	

## Ecuador

### 1. Treaties & Legislation

Treaties:

Berne Convention: October 9, 1991 (Paris Act (1971): October 9, 1991)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

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

### 2. Private/Personal Use

Provision	Art. 108
Scope of private/personal use	“private copying”: the domestic copying, or reprographic reproduction in a single copy by the original acquirier
Type(s) of source work(s)	(lawfully circulating) phonogram or videogram or literary work
Entity exercising private/personal use	natural person who carries out reproduction
Purpose of private/personal use	exclusively for non-profitmaking purposes
Condition of private/personal use	copies may not be used in a manner contrary to fair use
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	compensatory remuneration by levy on manufacturer/importer of tapes, material carriers and reproduction equipment, <sup>1253</sup> to accrue to author, performer and phonogram producer; <sup>1254</sup> otherwise private copying using media or reproduction equipment for which compensatory remuneration has not been paid will be copyright and related rights infringement

Provision	Art. 83(k)
Scope of private/personal use	annotation and collection
Type(s) of source work(s)	lessons and lectures given at universities, polytechnic schools and higher technical and technological institutes, colleges, schools, and teaching and training centers in general
Entity exercising private/personal use	those to whom they are addressed
Purpose of private/personal use	personal use
Condition of private/personal use	fair use is respected <sup>1255</sup>

<sup>1253</sup> Art. 106.

<sup>1254</sup> Art. 105.

<sup>1255</sup> Art. 83 (main provision).

Frequency/copies and limits	
Preclusions (not part of private/personal use)	normal exploitation of the work is not adversely affected or injury caused to the right holder <sup>1256</sup>
Subject to Attribution	
Subject to Remuneration	not required ("not ... be subject to any remuneration")

### 3. Quotations

Provision	Art. 83(a)
Scope of quotation	inclusion in a given work
Type(s) of source work(s)	fragments of other already-disclosed works, by other people, in written, aural or audiovisual form, or individual three dimensional, photographic, figurative or analogous works
Entity exercising quotation	
Purpose of quotation	by way of quotation or for purpose of analysis, comment or critical assessment, for teaching or research purposes
Condition of quotation	extent justified by the purpose of the inclusion fair use is respected <sup>1257</sup>
Preclusions (not part of quotation)	normal exploitation of the work is not adversely affected or injury caused to the right holder <sup>1258</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("not ... be subject to any remuneration")

### 4. Research/Educational Reproduction

### 5. Educational Publications/Anthologies/Compilations/Composite Works

### 6. School Performances

### 7. Educational Broadcasts/Communications/Recordings

### 8. Compulsory Licences for Educational Reproductions and Translations

### 9. TPM/RMI Exceptions for Educational Purposes

<sup>1256</sup> Art. 83 (main provision).

<sup>1257</sup> Art. 83 (main provision).

<sup>1258</sup> Art. 83 (main provision).

## Egypt

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 7, 1977 (Paris Act (1971): June 7, 1977)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law No. 82 of 2002 on the Protection of Intellectual Property Rights

### 2. Private/Personal Use

Provision	Art. 171(2)
Scope of private/personal use	make a copy
Type(s) of source work(s)	work, (performance, sound recording, broadcast program) <sup>1259</sup>
Entity exercising private/personal use	third parties
Purpose of private/personal use	one's exclusive personal use
Condition of private/personal use	
Frequency/copies and limits	a single copy
Preclusions (not part of private/personal use)	copy shall not hamper the normal exploitation of the work nor cause undue prejudice to the legitimate interests of the author or copyright holders  author or successor may, after publication of work, prevent third parties from reproducing/copying the following without authorisation: works of fine, applied or plastic arts (unless displayed in a public place), works of architecture, all or a substantial part of the notes of a musical work, a database or computer program
Subject to Attribution	without prejudice to author's moral rights
Subject to Remuneration	not required ("author may not ... prevent")

Provision	Art. 171(3)
Scope of private/personal use	make copy or adaptation
Type(s) of source work(s)	a computer program
Entity exercising private/personal use	any person (with consent of legitimate owner of the program)
Purpose of private/personal use	archiving purposes or replace lost/destroyed/invalid original copy, even if exceeding the extent necessary for the use of the program inasmuch as it remains within the

<sup>1259</sup> Art. 173.



	limits of the purpose for which consent was initially granted
Condition of private/personal use	
Frequency/copies and limits	a single copy or adaptation
Preclusions (not part of private/personal use)	original/adapted copy to be destroyed upon expiration of property title
Subject to Attribution	without prejudice to author's moral rights
Subject to Remuneration	not required ("author may not ... prevent")

Provision	Art. 171(8) 1 <sup>st</sup> item
Scope of private/personal use	making a copy
Type(s) of source work(s)	a work as a published article, a short work or an extract of a work, , (performance, sound recording, broadcast program) <sup>1260</sup>
Entity exercising private/personal use	through the intermediary of a documentation and archiving center or through a bookshop not aiming at making any direct or indirect profit
Purpose of private/personal use	only for study or research purposes
Condition of private/personal use	
Frequency/copies and limits	a single copy made or at different occasions
Preclusions (not part of private/personal use)	
Subject to Attribution	without prejudice to author's moral rights
Subject to Remuneration	not required ("author may not ... prevent")

Provision	Art. 171(1)
Scope of private/personal use	perform
Type(s) of source work(s)	a publicly available work, (performance, sound recording, broadcast program) <sup>1261</sup>
Entity exercising private/personal use	
Purpose of private/personal use	in family context
Condition of private/personal use	no direct or indirect financial remuneration is obtained
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	without prejudice to author's moral rights
Subject to Remuneration	not required ("author may not ... prevent")

### 3. Quotations

Provision	Art. 171(4)
Scope of quotation	make an analysis, or excerpts or quotations
Type(s) of source work(s)	a work, (performance, sound recording, broadcast program) <sup>1262</sup>
Entity exercising quotation	
Purpose of quotation	criticism, discussion or information
Condition of quotation	

<sup>1260</sup> Art. 173.

<sup>1261</sup> Art. 173.

<sup>1262</sup> Art. 173.

Preclusions (not part of quotation)	
Subject to Attribution	without prejudice to author's moral rights
Subject to Remuneration	not required ("author may not ... prevent")

#### 4. Research/Educational Reproduction

Provision	Art. 171(7)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	an article, a short work, (performance, sound recording, broadcast program) <sup>1263</sup> or extracts therefrom
Entity exercising reproduction	
Purpose of educational reproduction	necessary for teaching purposes in educational institutes
Condition of reproduction	
Frequency/copies and limits	reproduction is made once or on different separate occasions
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	title, author indicated on all copies
Subject to Remuneration	not required ("author may not ... prevent")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

#### 6. School Performances

Provision	Art. 171(1)
Scope of school performance	perform
Type(s) of source work(s)	a publicly available work, (performance, sound recording, broadcast program) <sup>1264</sup>
Entity exercising school performance	
Purpose of school performance	student gathering within an educational institution
Condition of school performance	no direct or indirect financial remuneration is obtained
Preclusions (not part of school performance)	
Subject to Attribution	without prejudice to author's moral rights
Subject to Remuneration	not required ("author may not ... prevent")

#### 7. Educational Broadcasts/Communications/Recordings

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 170
Nature of compulsory licence for translation for educational purposes	a personal licence for the translation or both, translation and reproduction
Scope of compulsory licence for digital copying and dissemination	digital reproduction

<sup>1263</sup> Art. 173.

<sup>1264</sup> Art. 173.

	probably digital publication <sup>1265</sup> no digital dissemination <sup>1266</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration lapsed as of Oct 10, 1994
Type(s) of source work(s)	any work
Licence applicant/entity	any person
Purpose of licence	meeting teaching requirements of all kinds and levels
Condition of licence	"to the extent that such license is not in contradiction with the normal exploitation of the work or does not unduly prejudice the legitimate interests of the author or the copyright holders" <sup>1267</sup>
Compulsory licence fee(s)	equitable remuneration to author or his successor; fees due to not exceed 1,000 pounds for each work <sup>1268</sup>
Price of publication	
Distribution conditions	
Grantor of compulsory licence	competent ministry

Provision	Art. 170
Nature of compulsory licence for reproduction for educational purposes	a personal licence for the reproduction
Scope of compulsory licence for digital copying and dissemination	digital reproduction probably digital publication <sup>1269</sup> no digital dissemination <sup>1270</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration lapsed as of Oct 10, 1994
Type(s) of source work(s)	any work
Licence applicant/entity	any person
Purpose of licence	meeting teaching requirements of all kinds and levels
Condition of licence	"to the extent that such license is not in contradiction with the normal exploitation of the work or does not unduly prejudice the legitimate interests of the author or the copyright holders" <sup>1271</sup>

<sup>1265</sup> Reference in Art. 170 to "normal exploitation of the work" suggesting the grant of a license to publish. Art. 138(9) (defining "reproduction" as "Making one or more exact copies of a work or a sound recording, in any, manner or form, including permanent or temporary storage of the work or sound recording in an electronic form"); cf. Art. 171(9) (referencing an "ephemeral reproduction" made in a relay, during a digital transmission or digital reception as an exempted reproduction). Cf. Art. 138(10) (defining "publication" as "any act which is liable to make available to the public, in any manner, a work, a sound recording, a broadcast program or a performance").

<sup>1266</sup> Art. 147 (recognizing "public communication" as a separate right from the right of reproduction).

<sup>1267</sup> Art. 170.

<sup>1268</sup> Art. 170 4<sup>th</sup> item.

<sup>1269</sup> Art. 138(9) (defining "reproduction" as "Making one or more exact copies of a work or a sound recording, in any, manner or form, including permanent or temporary storage of the work or sound recording in an electronic form"); cf. Art. 171(9) (referencing an "ephemeral reproduction" made in a relay, during a digital transmission or digital reception as an exempted reproduction). Cf. Art. 138(10) (defining "publication" as "any act which is liable to make available to the public, in any manner, a work, a sound recording, a broadcast program or a performance").

<sup>1270</sup> Art. 147 (recognizing "public communication" as a separate right from the right of reproduction).

<sup>1271</sup> Art. 170.

Compulsory licence fee(s)	equitable remuneration to author or his successor; fees due to not exceed 1,000 pounds for each work <sup>1272</sup>
Price of publication	
Distribution conditions	
Grantor of compulsory licence	competent ministry

9. TPM/RMI Exceptions for Educational Purposes

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<sup>1272</sup> Art. 170 4<sup>th</sup> item.

## El Salvador

### 1. Treaties & Legislation

Treaties:

Berne Convention: February 19, 1994 (Paris Act (1971): February 19, 1994)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

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

Legislative Decree No. 912 of December 14, 2005, Amendment of the Law on the Promotion and Protection of Intellectual Property

### 2. Private/Personal Use

Provision	Art. 45(a)
Scope of private/personal use	production of work
Type(s) of source work(s)	
Entity exercising private/personal use	
Purpose of private/personal use	personal and exclusive benefit of the user
Condition of private/personal use	
Frequency/copies and limits	one copy
Preclusions (not part of private/personal use)	user made copy himself with his own facilities  the normal exploitation of the work is not affected and the legitimate interests of the author are not unjustifiably prejudiced thereby
Subject to Attribution	
Subject to Remuneration	not required ("allowed without ... remuneration")

Provision	Art. 44(a)
Scope of private/personal use	communication <sup>1273</sup>
Type(s) of source work(s)	
Entity exercising private/personal use	
Purpose of private/personal use	made in family circle
Condition of private/personal use	no direct or indirect gainful intent
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("without ... payment of remuneration")

<sup>1273</sup> Art. 9 (defining "public communication" as the act by which the work becomes accessible to the public by any means or processes, and also the procedures to be observed for the work to become accessible to the public, and includes stage performances, public projections or showings of audiovisual works, broadcasting, transmission by wire etc., retransmission, receiving, public presentation, public access by means of telecommunication systems and the dissemination of signs, words etc. by any known or as yet unknown process).

Provision	Art. 45(b)
Scope of private/personal use	photomechanical reproduction, such as photocopying and microfilming
Type(s) of source work(s)	small parts of a protected work or to works that are out of print
Entity exercising private/personal use	
Purpose of private/personal use	exclusive personal use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	any use of parts reproduced for other than personal purposes, made by any means or process and in competition with author's exclusive right to exploit his work, shall be treated as unlawful reproduction
Subject to Attribution	
Subject to Remuneration	not required ("allowed without ... remuneration")

Provision	Art. 85(c).1
Scope of private/personal use	reproduction of recordings
Type(s) of source work(s)	broadcasts
Entity exercising private/personal use	
Purpose of private/personal use	use for private purposes
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("right to authorize or prohibit ... except")

### 3. Quotations

Provision	Art. 46
Scope of quotation	make brief quotations
Type(s) of source work(s)	lawfully published works
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	made in accordance with proper practice and to extent justified by purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without ... payment of remuneration")

### 4. Research/Educational Reproduction

Provision	Art. 45(c)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	articles, brief extracts or lawfully published short works

Entity exercising reproduction	
Purpose of educational reproduction	teaching or the holding of examinations at educational institutions
Condition of reproduction	no gainful intent use is made in accordance with proper practice
Frequency/copies and limits	extent justified by the purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("allowed without ... remuneration")

Provision	Art. 85(c).4
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	recordings of broadcasts
Entity exercising reproduction	
Purpose of educational reproduction	used solely for teaching or research purposes
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("right to authorize or prohibit ... except")

Provision	Art. 45(c)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	
Entity exercising reproduction	by or on behalf of an educational establishment
Purpose of educational reproduction	for its educational purposes
Condition of reproduction	no recording if certified licensing scheme under s 135 providing for grant of licences
Frequency/copies and limits	reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>1274</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("allowed without ... remuneration")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 49C
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<sup>1274</sup> S 39(3).

Scope of anthologies/compilations limitation/exception	reproduce (and translate <sup>1275</sup> ), in publications or anthologies
Type(s) of source work(s)	brief fragments of literary, scientific or artistic works
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	purposes of teaching, science, literary criticism or research
Condition of anthologies/compilations limitation/exception	texts reproduced are not altered
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	reproduction does not conflict with the normal exploitation of the work or prejudice the legitimate interests of the author
Subject to Attribution	source unmistakably specified
Subject to Remuneration	not required ("shall be lawful")

## 6. School Performances

Provision	Art. 44(c)
Scope of school performance	communication [includes performance, projection] <sup>1276</sup>
Type(s) of source work(s)	
Entity exercising school performance	accredited and non-profit institutions
Purpose of school performance	for teaching purposes
Condition of school performance	communication in personalized teaching activities within entity, in a lecture room or similar place dedicated to teaching  no gainful intent
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("without ... payment of remuneration")

## 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 44(c)
Scope of broadcast/communication/recording	communication
Type(s) of source work(s)	
Entity exercising broadcast/communication/recording	accredited and non-profit institutions
Purpose of broadcast/communication/recording	for teaching purposes

<sup>1275</sup> But see Art. 89(d) (subjecting translation of work without consent of author or successors in title to moral rights of author).

<sup>1276</sup> Art. 9 (defining "public communication" as the act by which the work becomes accessible to the public by any means or processes, and also the procedures to be observed for the work to become accessible to the public, and includes stage performances, public projections or showings of audiovisual works, broadcasting, transmission by wire etc., retransmission, receiving, public presentation, public access by means of telecommunication systems and the dissemination of signs, words etc. by any known or as yet unknown process). In this context, this limitation/exception is classified as one pertaining to "performance" instead of "communication" in the sense used in this study.



Condition of broadcast/communication/recording	communication in personalized teaching activities within entity, in a lecture room or similar place dedicated to teaching  no gainful intent
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	not required ("without ... payment of remuneration")
Subject to Remuneration	

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 77
Nature of compulsory licence for translation for educational purposes	compulsory licence, for translations
Scope of compulsory licence for digital copying and dissemination	probably digital reproduction probably digital publication <sup>1277</sup> probably no digital dissemination <sup>1278</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	
Licence applicant/entity	
Purpose of licence	provided for in ratified international conventions
Condition of licence	subject to compliance with the requirements laid down in the international conventions
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	competent court

Provision	Art. 77
Nature of compulsory licence for reproduction for educational purposes	compulsory licence, for reproductions
Scope of compulsory licence for digital copying and dissemination	digital reproduction <sup>1279</sup> probably digital publication <sup>1280</sup>

<sup>1277</sup> The Appendix of the Paris Act makes reference to the licence to publish, which necessarily implies the right of reproduction. However, El Salvador is not a signatory to the Appendix. See also Art. 7(a) (defining the right of reproduction as the right to "[fix] it in a material form according to any process that allows it to be communicated to the public in an indirect and durable manner, or to make copies on all or part of the work"); Art. 7(d) (defining the right of distribution of the work as "the right to make copies thereof available to the public by sale or any other form of transfer of ownership").

<sup>1278</sup> Art. 77 makes no reference to the right of performance or the right of dissemination. See Art. 7(b), (c) (describing the right of execution and performance of a work "by direct and immediate communication to the public through theater performance, musical and choreographic performance, cinematographic and television adaptation and the preparation of any other type of public show" and the right of dissemination of a work "by any medium serving to transmit sounds and images, such as telephone, radio, television, cable, teleprinter, satellite or any other that is already known or may be developed in the future").

<sup>1279</sup> Art. 7(a) (defining the right of reproduction as the right to "[fix] it in a material form according to any process that allows it to be communicated to the public in an indirect and durable manner, or to make copies on all or part of the work").

<sup>1280</sup> Art. 7(d) (defining the right of distribution of the work as "the right to make copies thereof available to the public by sale or any other form of transfer of ownership").

	probably no digital dissemination <sup>1281</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	
Licence applicant/entity	
Purpose of licence	provided for in ratified international conventions
Condition of licence	subject to compliance with the requirements laid down in the international conventions
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	competent court

#### 9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 85D para. 4(a)
Scope of TPM/RMI restriction	exception to unauthorized avoidance of effective technological measures, manufacture, supply etc. of technology, goods, services or devices that avoid effective technological measures to control access
Type(s) of source work(s)	a lawfully obtained copy of a computer program
Beneficiary exercising restriction	person
Purpose of restriction	conduct non-infringing activities of reverse engineering, made in good faith, in terms of the particular elements of the said computer program that have not been available to the person involved in those activities, with the sole aim of achieving the interoperability of a computer program created independently with other programs
Condition of restriction	provided that such activities do not affect the applicability of legal protection or the effectiveness of legal recourse against the avoidance of effective technological measures

Provision	Art. 85D para. 4(b)
Scope of TPM/RMI restriction	exception to unauthorized avoidance of effective technological measures, manufacture, supply etc. of technology, goods, services or devices that avoid effective technological measures to control access
Type(s) of source work(s)	a lawfully obtained copy, performance or sample of a work, non-fixed performance or phonogram
Beneficiary exercising restriction	a duly qualified researcher
Purpose of restriction	non-infringing activities carried out in good faith

<sup>1281</sup> Art. 77 makes no reference to the right of performance or the right of dissemination. See Art. 7(b), (c) (describing the right of execution and performance of a work "by direct and immediate communication to the public through theater performance, musical and choreographic performance, cinematographic and television adaptation and the preparation of any other type of public show" and the right of dissemination of a work "by any medium serving to transmit sounds and images, such as telephone, radio, television, cable, teleprinter, satellite or any other that is already known or may be developed in the future").

	with the sole aim of identifying and analyzing faults and weaknesses of the technologies to encrypt and decrypt information
Condition of restriction	non-infringing activities carried out to the extent necessary  provided that such activities do not affect the applicability of legal protection or the effectiveness of legal recourse against the avoidance of effective technological measures

Provision	Art. 85D para. 5(a)
Scope of TPM/RMI restriction	exception to unauthorized avoidance of effective technological measures that control access
Type(s) of source work(s)	a work, performance or phonogram
Beneficiary exercising restriction	a non-profit educational institution, library or archive
Purpose of restriction	access with the sole aim of making a decision on the acquisition thereof
Condition of restriction	provided that such activities do not affect the applicability of legal protection or the effectiveness of legal recourse against the avoidance of effective technological measures

Provision	Art. 85D para. 2
Scope of TPM/RMI restriction	exempted from payment of damages against beneficiary for infringement of prohibitions against the unauthorized avoidance of any effective technological measure that controls access, manufacture etc., and provision of services that are for the purpose of avoiding an effective technological measure, or only have a limited purpose or commercially important non-avoidance use, or are designed etc. mainly with the aim or facilitating the avoidance of any effective technological measure
Type(s) of source work(s)	a work, performance, phonogram or other protected material
Beneficiary exercising restriction	a nonprofitmaking library, archive, educational institution or public broadcasting organization
Purpose of restriction	
Condition of restriction	

Provision	Art. 85E para. 5
Scope of TPM/RMI restriction	exempted from payment of damages against beneficiary for infringement of prohibitions against the unauthorized removal or alteration of RMI, distribution etc., of RMI information or distribute etc., copies of fixed performances or phonograms knowing that RMI has been removed or altered

Type(s) of source work(s)	work, performance or phonogram to which RMI is attached
Beneficiary exercising restriction	a nonprofitmaking library, archive, educational institution or public broadcasting organization
Purpose of restriction	
Condition of restriction	entity proves that it did not know and had no reason to know that its acts constituted a prohibited activity

## Equatorial Guinea

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 26, 1997 (Paris Act (1971): June 26, 1997)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Bangui Agreement 1977

Legislation:

Law of January 10, 1879 on Intellectual Property

### 2. Private/Personal Use

### 3. Quotations

Provision	Art. 7
Scope of quotation	reproduce, and include part of text
Type(s) of source work(s)	works of others
Entity exercising quotation	
Purpose of quotation	comments, criticisms and notes
Condition of quotation	included text [from source works] must be necessary [for purpose of comments, criticisms and notes]
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("without permission of the owner")

### 4. Research/Educational Reproduction

### 5. Educational Publications/Anthologies/Compilations/Composite Works

### 6. School Performances

### 7. Educational Broadcasts/Communications/Recordings

### 8. Compulsory Licences for Educational Reproductions and Translations

### 9. TPM/RMI Exceptions for Educational Purposes

## Eritrea

### 1. Treaties & Legislation

Treaties:

Berne Convention: not a party

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Provisional Commercial Code of Eritrea and Provisional Civil Code of Eritrea of 1993 (Extracts relating to Intellectual Property rights)

### 2. Private/Personal Use

Provision	Art. 1656
Scope of private/personal use	private performances
Type(s) of source work(s)	a work
Entity exercising private/personal use	
Purpose of private/personal use	a family gathering
Condition of private/personal use	free of charge
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not forbid")

Provision	Art. 1660(2)
Scope of private/personal use	copies or reproductions
Type(s) of source work(s)	a work
Entity exercising private/personal use	
Purpose of private/personal use	private use only
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be permitted")

### 3. Quotations

Provision	Art. 1660(1)
Scope of quotation	analyses and press reviews
Type(s) of source work(s)	work
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("author cannot forbid")

Provision	Art. 1661
Scope of quotation	short quotations
Type(s) of source work(s)	work
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	do not exceed, in work in which they are included, forty lines (a poetical work) or ten thousand letters (any other work)
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("author cannot forbid")

4. Research/Educational Reproduction5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances

Provision	Art. 1656
Scope of school performance	private performances
Type(s) of source work(s)	a work
Entity exercising school performance	
Purpose of school performance	in a school
Condition of school performance	free of charge
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not forbid")

7. Educational Broadcasts/Communications/Recordings8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 1673
Nature of compulsory licence for reproduction for educational purposes	authorization of presentation or reproduction of a work of its adaptation, notwithstanding the author's opposition
Scope of compulsory licence for digital copying and dissemination	probably no digital reproduction <sup>1282</sup> probably no digital publication <sup>1283</sup> probably no digital dissemination <sup>1284</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	after such work has been published by its author or his heirs
Licence applicant/entity	
Purpose of licence	presentation or reproduction in the general interest
Condition of licence	conditions and forms of authorisation shall be determined by a special law

<sup>1282</sup> Definition for "reproduction" was not found.<sup>1283</sup> Definition for "presentation"/"publication" was not found.<sup>1284</sup> Definition for "presentation"/"publication" was not found.

	public authorities may not authorize the alteration of a work
Compulsory licence fee(s)	fair compensation to the author
Price of publication	
Distribution conditions	
Grantor of compulsory licence	public authorities

9. TPM/RMI Exceptions for Educational Purposes



## Estonia

### 1. Treaties & Legislation

Treaties:

Berne Convention: October 26, 1994 (Paris Act (1971): October 26, 1994)

WIPO Copyright Treaty: March 14, 2010

WIPO Performances and Phonograms Treaty: March 14, 2010

Legislation:

Copyright Act (consolidated text of February 1, 2017)

### 2. Private/Personal Use

Provision	s 18
Scope of private/personal use	reproduction or translation
Type(s) of source work(s)	a lawfully published work
Entity exercising private/personal use	a natural person
Purpose of private/personal use	personal use
Condition of private/personal use	activities are not carried out for commercial purposes
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture and landscape architecture, visual art of limited edition, notes in reprographic form, electronic database, computer program <sup>1285</sup>  use does not complicit with normal exploitation of work, does not unreasonably prejudice legitimate interests of author <sup>1286</sup>
Subject to Attribution	
Subject to Remuneration	non-reprographic reproduction: not required <sup>1287</sup>  reprographic reproduction: equitable remuneration payable by Government calculated on basis of state budget funds and number of works registered in database of national bibliography published in 10 years preceding submission of application, to account of legal representative to be distributed among authors and publishers <sup>1288</sup>

Provision	ss 26, 27
Scope of private/personal use	reproduction or translation

<sup>1285</sup> ss 24 (excepting use of computer program for backup/archival purposes and for observation, study or testing); 25 (excepting decompilation of computer program).

<sup>1286</sup> S 17 (subjecting ss 18-25 to this general limitation to the economic rights of authors).

<sup>1287</sup> Ss 17, 18.

<sup>1288</sup> S 27<sup>1</sup>.

Type(s) of source work(s)	audiovisual works or sound recordings
Entity exercising private/personal use	a user (not a legal person) <sup>1289</sup>
Purpose of private/personal use	private use (scientific research, studies, etc.)
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	use does not conflict with normal exploitation of work, does not unreasonably prejudice legitimate interests of author <sup>1290</sup>
Subject to Attribution	
Subject to Remuneration	levy on materials (storage media and recording devices <sup>1291</sup> ), payable by manufacturer, importer, seller, to account of appointed CMO <sup>1292</sup> to be distributed among author, performer, producer of phonogram <sup>1293</sup>

Provision	s 75(1)(1)
Scope of private/personal use	use, including by reproduction
Type(s) of source work(s)	performance, phonogram, radio or television broadcast or recordings thereof, film
Entity exercising private/personal use	natural persons
Purpose of private/personal use	private use (scientific research, studies, etc.)
Condition of private/personal use	reproduction not carried out for commercial purposes
Frequency/copies and limits	
Preclusions (not part of private/personal use)	use does not conflict with normal exploitation of work, does not unreasonably prejudice legitimate interests of author <sup>1294</sup>
Subject to Attribution	
Subject to Remuneration	levy <sup>1295</sup> on materials (storage media and recording devices <sup>1296</sup> ), payable by manufacturer, importer, seller, to account of appointed CMO <sup>1297</sup> to be distributed among author, performer, producer of phonogram <sup>1298</sup>

### 3. Quotations

Provision	s 19(1)
Scope of quotation	summaries and quotations

<sup>1289</sup> S 26(2).

<sup>1290</sup> S 75(2) (subjecting s 75 exceptions to this general limitation).

<sup>1291</sup> S 27(5) (defining storage media and recording devices as those which, due to their technical characteristics, do not enable the reproduction of audiovisual works and sound recordings of works as single copies). s 27(7) (3% levy for recording devices, 8% levy for storage media).

<sup>1292</sup> S 27(12), (13).

<sup>1293</sup> Ss 26(1), 27(8). Refer to s 27 and established procedure for additional details.

<sup>1294</sup> S 75(2) (exceptions to this general limitation).

<sup>1295</sup> S 75(1)(1) is subject to ss 26, 27 ("taking account of the provisions of ss 26 and 27 of this Act).

<sup>1296</sup> S 27(5) (defining storage media and recording devices as those which, due to their technical characteristics, do not enable the reproduction of audiovisual works and sound recordings of works as single copies). s 27(7) (3% levy for recording devices, 8% levy for storage media).

<sup>1297</sup> S 27(12), (13).

<sup>1298</sup> Ss 26(1), 27(8). Refer to s 27 and established procedure for additional details.

Type(s) of source work(s)	a lawfully published work, (performance, phonogram, radio or television broadcast or recordings thereof, film) <sup>1299</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation does not exceed extent justified by purpose  idea of whole as a whole which is being summarized or quoted is conveyed correctly
Preclusions (not part of quotation)	use does not complicit with normal exploitation of work, does not unreasonably prejudice legitimate interests of author <sup>1300</sup>
Subject to Attribution	name of work, source, author (if in source) <sup>1301</sup>
Subject to Remuneration	not required ("without payment of remuneration") <sup>1302</sup>

#### 4. Research/Educational Reproduction

Provision	s 19(2)
Scope of research/educational reproduction	use
Type(s) of source work(s)	a lawfully published work, (performance, phonogram, radio or television broadcast or recordings thereof, film) <sup>1303</sup>
Entity exercising reproduction	
Purpose of educational reproduction	illustration for teaching and scientific research
Condition of reproduction	not carried out for commercial purposes
Frequency/copies and limits	to extent justified by purpose
Preclusions (not part of research/educational reproduction)	use does not complicit with normal exploitation of work, does not unreasonably prejudice legitimate interests of author <sup>1304</sup>
Subject to Attribution	name of work, source, author (if in source) <sup>1305</sup>
Subject to Remuneration	not required ("without payment of remuneration") <sup>1306</sup>

Provision	s 75(1)(2)
Scope of research/educational reproduction	use
Type(s) of source work(s)	performance, phonogram, radio or television broadcast or recordings thereof, film
Entity exercising reproduction	
Purpose of educational reproduction	illustration for teaching and scientific research
Condition of reproduction	not carried out for commercial purposes

<sup>1299</sup> S 75(1)(6) (extending limitations in Chapter IV to related rights).

<sup>1300</sup> Ss 17, 75(2) (exceptions to this general limitation).

<sup>1301</sup> S 19.

<sup>1302</sup> Ss 17, 19.

<sup>1303</sup> S 75(1)(6) (extending limitations in Chapter IV to related rights).

<sup>1304</sup> Ss 17, 75(2) (exceptions to this general limitation).

<sup>1305</sup> S 19.

<sup>1306</sup> Ss 17, 19.

Frequency/copies and limits	to extent justified by purpose
Preclusions (not part of research/educational reproduction)	use does not conflict with normal exploitation of work, does not unreasonably prejudice legitimate interests of author <sup>1307</sup>
Subject to Attribution	source (if possible)
Subject to Remuneration	not required ("without payment of remuneration") <sup>1308</sup>

Provision	s 19(3)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a lawfully published work, (performance, phonogram, radio or television broadcast or recordings thereof, film) <sup>1309</sup>
Entity exercising reproduction	educational and research institutions
Purpose of educational reproduction	teaching or scientific research
Condition of reproduction	activities not carried out for commercial purposes
Frequency/copies and limits	to extent justified by purpose
Preclusions (not part of research/educational reproduction)	use does not conflict with normal exploitation of work, does not unreasonably prejudice legitimate interests of author <sup>1310</sup>
Subject to Attribution	name of work, source, author (if in source) <sup>1311</sup>
Subject to Remuneration	non-reprographic reproduction: not required ("without payment of remuneration") <sup>1312</sup>  reprographic reproduction: equitable remuneration payable by Government calculated on basis of state budget funds and number of works registered in database of national bibliography published in 10 years preceding submission of application, to account of legal representative to be distributed among authors and publishers <sup>1313</sup>

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

#### 6. School Performances

Provision	s 22
Scope of school performance	public performance
Type(s) of source work(s)	works, (performance, phonogram, radio or television broadcast or recordings thereof, film) <sup>1314</sup>

<sup>1307</sup> S 75(2) (exceptions to this general limitation).

<sup>1308</sup> S 75(1).

<sup>1309</sup> S 75(1)(6) (extending limitations in Chapter IV to related rights).

<sup>1310</sup> Ss 17, 75(2) (exceptions to this general limitation).

<sup>1311</sup> S 19.

<sup>1312</sup> Ss 17, 19.

<sup>1313</sup> S 27<sup>1</sup>.

<sup>1314</sup> S 75(1)(6) (extending limitations in Chapter IV to related rights).

Entity exercising school performance	teaching staff and students of educational institutions
Purpose of school performance	direct teaching process in educational institutions
Condition of school performance	free audience consists of teaching staff and students or other persons (parents, guardians, caregivers, etc.) who are directly connected with educational institution where work is performed in public
Preclusions (not part of school performance)	use does not conflict with normal exploitation of work, does not unreasonably prejudice legitimate interests of author <sup>1315</sup>
Subject to Attribution	title, author (if available)
Subject to Remuneration	not required ("without payment of remuneration")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 19(2)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	a lawfully published work, (performance, phonogram, radio or television broadcast or recordings thereof, film) <sup>1316</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	illustration for teaching and scientific research
Condition of broadcast/communication/recording	not carried out for commercial purposes
Frequency/limits of broadcast/communication/recording	to extent justified by purpose
Preclusions (not part of broadcast/communication/recording)	use does not conflict with normal exploitation of work, does not unreasonably prejudice legitimate interests of author <sup>1317</sup>
Subject to Attribution	name of work, source, author (if in source) <sup>1318</sup>
Subject to Remuneration	not required ("without payment of remuneration") <sup>1319</sup>

Provision	s 75(1)(2)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	performance, phonogram, radio or television broadcast or recordings thereof, film
Entity exercising broadcast/communication/recording	

<sup>1315</sup> Ss 17, 75(2) (exceptions to this general limitation).

<sup>1316</sup> S 75(1)(6) (extending limitations in Chapter IV to related rights).

<sup>1317</sup> Ss 17, 75(2) (exceptions to this general limitation).

<sup>1318</sup> S 19.

<sup>1319</sup> Ss 17, 19.

Purpose of broadcast/communication/recording	illustration for teaching and scientific research
Condition of broadcast/communication/recording	not carried out for commercial purposes
Frequency/limits of broadcast/communication/recording	to extent justified by purpose
Preclusions (not part of broadcast/communication/recording)	use does not complicit with normal exploitation of work, does not unreasonably prejudice legitimate interests of author <sup>1320</sup>
Subject to Attribution	source (if possible)
Subject to Remuneration	not required ("without payment of remuneration") <sup>1321</sup>

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

Provision	s 80 <sup>3</sup> (4)
Scope of TPM/RMI restriction	rightholder to adjust technological measures to his work/object of related rights which allow beneficiaries to freely use work/object, failing which <sup>1322</sup> beneficiary has right to address copyright committee
Type(s) of source work(s)	work/object of related rights to which beneficiaries have legal access (not work/ object of related rights which have been made available to the public on the basis of an agreement in such a way that persons can use them from a place and at a time individually chosen by them)
Beneficiary exercising restriction	"beneficiaries": persons entitled to freely use work/object of related rights
Purpose of restriction	to extent necessary for free use of work/object of related rights under ss 18, 19(2), (3)
Condition of restriction	

<sup>1320</sup> S 75(2) (exceptions to this general limitation).

<sup>1321</sup> S 75(1).

<sup>1322</sup> S 803(4) ("if [beneficiary] and the rightholder fail to reach an agreement on application of the corresponding measures within a reasonable period of time...").

## Ethiopia

### 1. Treaties & Legislation

Treaties:

Berne Convention: not a party

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright and Neighboring Rights Protection Proclamation No. 410/2004

### 2. Private/Personal Use

Provision	Art. 9
Scope of private/personal use	private reproduction
Type(s) of source work(s)	a published work, (performance, sound recording, broadcast) <sup>1323</sup>
Entity exercising private/personal use	a physical person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture, musical notation, original or copy of fine art made and signed by author, whole or substantial part of a digital database, computer program <sup>1324</sup> , reproduction "would conflict with or unreasonable [sic] harm the normal exploitation of the work or the legitimate interests of the author"
Subject to Attribution	
Subject to Remuneration	not required ("owner of copyright cannot forbid")

Provision	Art. 16
Scope of private/personal use	private performance
Type(s) of source work(s)	a work, (performance, sound recording, broadcast) <sup>1325</sup>
Entity exercising private/personal use	
Purpose of private/personal use	family gathering
Condition of private/personal use	given free of charge
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("owner of copyright cannot forbid")

<sup>1323</sup> Art. 32(d) (applying copyright limitations to neighbouring rights).

<sup>1324</sup> Art. 14 (excepting use of the computer program, for backup/archival purposes and adaptation for indispensable use).

<sup>1325</sup> Art. 32(d) (applying copyright limitations to neighbouring rights).

3. Quotations

Provision	Art. 10
Scope of quotation	reproduction of quotation
Type(s) of source work(s)	a published work, (performance, sound recording, broadcast) <sup>1326</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("owner of copyright cannot forbid")

4. Research/Educational Reproduction

Provision	Art. 11
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a published work or sound recording, (performance, broadcast) <sup>1327</sup>
Entity exercising reproduction	
Purpose of educational reproduction	teaching
Condition of reproduction	without exceeding fair practice
Frequency/copies and limits	to extent justified by the purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source (of work/sound recording) and author
Subject to Remuneration	not required ("owner of copyright cannot forbid")

Provision	Art. 32(b)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	performance, sound recording, broadcast <sup>1328</sup>
Entity exercising reproduction	
Purpose of educational reproduction	solely for scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... shall not apply")

<sup>1326</sup> Art. 32(d) (applying copyright limitations to neighbouring rights).

<sup>1327</sup> Art. 32(d) (applying copyright limitations to neighbouring rights).

<sup>1328</sup> Art. 32 refers to rights in Arts. 26-31, which deal with the protection of performers, producers of sound recordings and broadcasting organizations.



Provision	Art. 32(c)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	performance, sound recording, broadcast <sup>1329</sup> , except for performances and sound recordings which have been published as teaching or instructional materials
Entity exercising reproduction	
Purpose of educational reproduction	solely for the purpose of face-to-face teaching activities
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required (“[neighbouring] rights ... shall not apply”)

5. Educational Publications/Anthologies/Compilations/Composite Works

6. School Performances

Provision	Art. 16
Scope of school performance	private performance
Type(s) of source work(s)	work, (performance, sound recording, broadcast) <sup>1330</sup>
Entity exercising school performance	
Purpose of school performance	in a school
Condition of school performance	free of charge
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required (“owner of copyright cannot forbid”)

7. Educational Broadcasts/Communications/Recordings

8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 17
Nature of compulsory licence for translation for educational purposes	compulsory licence, for translation, [or reproduction or broadcasting]
Scope of compulsory licence for digital copying and dissemination	probably digital reproduction probably digital publication <sup>1331</sup>

<sup>1329</sup> Art. 32 refers to rights in Arts. 26-31, which deal with the protection of performers, producers of sound recordings and broadcasting organizations.

<sup>1330</sup> Art. 32(d) (applying copyright limitations to neighbouring rights).

<sup>1331</sup> Publication implied from translation/reproduction. See Art. 2(22) (defining “published work” as “a work or a sound recording, tangible copies of which have been made available to the public in a reasonable quantity for sale, rental, public lending or for other transfer of the ownership or the possession of the copies, provided that, in the case of a work, the making available to the public took place with the consent of the author or other owner of copyright, and in the case of a sound recording, with the consent of the producer of the sound recording.”) and Art. 2(25) (defining

	no digital dissemination <sup>1332</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	a published work, (performance, sound recording, broadcast) <sup>1333</sup>
Licence applicant/entity	
Purpose of licence	
Condition of licence	conditions to be determined by regulations  Office may not authorize the alteration of a work
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Ethiopian Intellectual Property Office

Provision	Art. 17
Nature of compulsory licence for reproduction for educational purposes	compulsory licence, for reproduction [or broadcasting]
Scope of compulsory licence for digital copying and dissemination	digital reproduction <sup>1334</sup> probably digital publication <sup>1335</sup> no digital dissemination <sup>1336</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	a published work, (performance, sound recording, broadcast) <sup>1337</sup>
Licence applicant/entity	
Purpose of licence	
Condition of licence	conditions to be determined by regulations  Office may not authorize the alteration of a work
Compulsory licence fee(s)	
Price of publication	

"reproduction" as "the making of one or more copies of a work or sound recording in any manner or form, including any permanent or temporary storage of work or sound; recording in electronic form").

<sup>1332</sup> No reference to "communication to the public". See Art. 2(6) (defining "communication to the public" as the transmission by wire or without wire images or sounds or both of a work, a performance, a sound recording or a broadcast in such a way that the images or sounds can be perceived by a person outside the normal circle of his family and his closest social acquaintance at a place or places so distant from the place where the transmission originates, that without the transmission the images or sounds would not be perceivable and, further, irrespective of whether the persons can receive the images or sounds at the same place and time, or at different places and at times individually chosen by them").

<sup>1333</sup> Art. 32(d) (applying copyright limitations to neighbouring rights).

<sup>1334</sup> Art. 2(25) (defining "reproduction" as "the making of one or more copies of a work or sound recording in any manner or form, including any permanent or temporary storage of work or sound; recording in electronic form").

<sup>1335</sup> Publication implied from translation/reproduction. See Art. 2(22) (defining "published work" as "a work or a sound recording, tangible copies of which have been made available to the public in a reasonable quantity for sale, rental, public lending or for other transfer of the ownership or the possession of the copies, provided that, in the case of a work, the making available to the public took place with the consent of the author or other owner of copyright, and in the case of a sound recording, with the consent of the producer of the sound recording.").

<sup>1336</sup> No reference to "communication to the public". And "broadcasting" is a separate right. See Art. 2(6) (defining "communication to the public" as the transmission by wire or without wire images or sounds or both of a work, a performance, a sound recording or a broadcast in such a way that the images or sounds can be perceived by a person outside the normal circle of his family and his closest social acquaintance at a place or places so distant from the place where the transmission originates, that without the transmission the images or sounds would not be perceivable and, further, irrespective of whether the persons can receive the images or sounds at the same place and time, or at different places and at times individually chosen by them"); Art. 2(3) (defining "broadcasting" as a "transmission by wireless means for public reception of sounds or of images and sounds").

<sup>1337</sup> Art. 32(d) (applying copyright limitations to neighbouring rights).

Distribution conditions	
Grantor of compulsory licence	Ethiopian Intellectual Property Office

9. TPM/RMI Exceptions for Educational Purposes



## Fiji

1. Treaties & Legislation

Treaties:

Berne Convention: December 1, 1971 (Stockholm Act (1967): March 15, 1972)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act, 1999

2. Private/Personal Use

Provision	s 42
Scope of private/personal use	copying
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, (published edition), <sup>1346</sup> (or adaptation of a literary, dramatic, musical work) <sup>1347</sup>
Entity exercising private/personal use	by an individual
Purpose of private/personal use	research or private study
Condition of private/personal use	no collective licence available of which the individual is or should be aware under which the copying can be done
Frequency/copies and limits	book: one copy of the same work, or the same part of a work, on any one occasion <sup>1348</sup> article in periodical: whole or part of work or edition and any artistic work therein, but not if another article dealing with a different subject matter is copied on the same occasion from the same issue of the periodical <sup>1349</sup> other literary, dramatic, musical work or published edition: not more than 10% of the work/edition (including any artistic work) <sup>1350</sup> others: may include copying the whole or part of the work, having regard to: the purpose of the copying, nature of the item copied, whether the item could have been obtained within a reasonable time at an ordinary commercial price, the effect of the copying on the potential market for, or value of, the work, and the amount and substantiality of the part copied taken in relation to the whole item <sup>1351</sup>

<sup>1346</sup> S 42(2) (exempting from infringement copyright in the topographical arrangement of the edition or in any literary, dramatic, or musical work or part of a work in the edition).

<sup>1347</sup> S 83.

<sup>1348</sup> S 42(3).

<sup>1349</sup> S 42(4).

<sup>1350</sup> S 42(5).

<sup>1351</sup> S 42((7).

Preclusions (not part of private/personal use)	a computer program <sup>1352</sup> works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a database, computer [sic] program <sup>1353</sup> , any work where "reproduction would conflict with a normal exploitation of work or unreasonably prejudice legitimate interests of author or other copyright owner"
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

Provision	s 166
Scope of private/personal use	makes a recording
Type(s) of source work(s)	whole or any substantial part of a performance
Entity exercising private/personal use	a person
Purpose of private/personal use	person's private and domestic use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("a performer's rights are infringed ... otherwise than ")

Provision	s 168(1)
Scope of private/personal use	copies
Type(s) of source work(s)	a recording of a performance
Entity exercising private/personal use	a person
Purpose of private/personal use	person's private and domestic use <sup>1354</sup>
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("a performer's rights are infringed ... otherwise than ")

### 3. Quotations

Provision	s 41(1)
Scope of quotation	copying

<sup>1352</sup> S 42(8).

<sup>1353</sup> S 17 (excepting use of the computer program and for backup/archival purposes).

<sup>1354</sup> S 168 (providing an exemption where copying was made for a person's private and domestic use; if copying was *not* for a person's private and domestic use and was without the performer's consent, to be liable, the person must know or has reason to believe that the recording was made without the performer's consent, or that the copy was made for purposes different from those for which the performer gave consent, or recording was made in accordance with the exemptions but for different purposes).

Type(s) of source work(s)	a work, (or adaptation of a literary, dramatic, musical work) <sup>1355</sup>
Entity exercising quotation	
Purpose of quotation	criticism or review of that or another work, or of a performance of a work
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	title, author (unless anonymous or not possible to ascertain its author if unpublished) <sup>1356</sup>
Subject to Remuneration	not required ("does not infringe copyright")
Provision	s 171
Scope of quotation	copying
Type(s) of source work(s)	a performance or recording of a performance
Entity exercising quotation	
Purpose of quotation	criticism or review of that or another performance, or of a work
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe any of the rights")

#### 4. Research/Educational Reproduction

Provision	s 43
Scope of research/educational reproduction	copying
Type(s) of source work(s)	whole or part of a literary, dramatic, musical or artistic work (not a computer program), <sup>1357</sup> (or adaptation of a literary, dramatic, musical work) <sup>1358</sup>
Entity exercising reproduction	school (includes a kindergarten, a primary school, an intermediate school, a secondary school, a special school) <sup>1359</sup>  educational establishment may apply to Minister for a certificate of exemption to entitle establishment to this [s 43] exemption <sup>1360</sup>
Purpose of educational reproduction	research or private study by an individual – for supply to any student or staff member of the school
Condition of reproduction	no collective licence available of which school is or should be aware <sup>1361</sup>

<sup>1355</sup> S 83.

<sup>1356</sup> S 2(1) (defining "sufficient acknowledgment").

<sup>1357</sup> S 43(4).

<sup>1358</sup> S 83.

<sup>1359</sup> S 43(2).

<sup>1360</sup> S 44(3).

<sup>1361</sup> S 43(1).

	if payment required, no higher than cost of production with reasonable contribution to general expenses of school <sup>1362</sup>
Frequency/copies and limits	no more than one copy of the copied material to any student or staff member of that school <sup>1363</sup>  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>1364</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")
Provision	s 44(1)
Scope of research/educational reproduction	copying
Type(s) of source work(s)	whole or part of a literary, dramatic, musical or artistic work (not a computer program), <sup>1365</sup> (or adaptation of a literary, dramatic, musical work) <sup>1366</sup>
Entity exercising reproduction	educational establishment (means a tertiary institution, a private training institution or a government training institute) <sup>1367</sup>
Purpose of educational reproduction	"research or private study" by an individual – for supply to any student or staff member of educational establishment  test for "research or private study": having regard to the purpose of the copying, nature of the item copied, price, the effect of the copying on the potential market for, or value of, the work, and the amount and substantiality of the part copied taken in relation to the whole item
Condition of reproduction	no collective licence available of which school is or should be aware <sup>1368</sup>
Frequency/copies and limits	not more than one chapter of work, or 10% of work, whichever is less <sup>1369</sup>  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>1370</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

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<sup>1362</sup> S 43(3)(c).

<sup>1363</sup> S 43(2)(b).

<sup>1364</sup> S 84(2)(a).

<sup>1365</sup> S 44(7).

<sup>1366</sup> S 83.

<sup>1367</sup> S 2(1) (defining "educational establishment").

<sup>1368</sup> S 44(1). The licensing scheme may be sought under Part X of the Copyright Act, 1999. See, in particular, ss 140(d)(i) and 148(c). Under Division 5 of Part X, the Minister has power to extend the coverage of a licence for reprographic copying by educational establishments. S 159.

<sup>1369</sup> S 44(2).

<sup>1370</sup> S 84(2)(d).



Provision	s 44(6)
Scope of research/educational reproduction	copying by making an audio visual work or audio visual soundtrack
Type(s) of source work(s)	sound recording, audio visual work or audio visual soundtrack, broadcast or cable programme
Entity exercising reproduction	a person giving or receiving instruction
Purpose of educational reproduction	in the course of instruction, or of preparation for instruction, in the making of an audio visual work or audio visual soundtrack
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>1371</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")
Provision	s 172(1)
Scope of research/educational reproduction	copying of a recording
Type(s) of source work(s)	a performance
Entity exercising reproduction	copying is done by or on behalf of a person who is to give, is giving, or has given the lesson, or by or on behalf of a person who is to receive, is receiving, or has received the lesson
Purpose of educational reproduction	in preparing a course of instruction, for use during the course of instruction, during a course of instruction, or after a course of instruction, in the making of an audio visual work or audio visual soundtrack, or relates to language learning or is conducted by correspondence
Condition of reproduction	no charge made for supply of copy <sup>1372</sup>
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>1373</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... are not infringed")
Provision	s 47
Scope of research/educational reproduction	anything done
Type(s) of source work(s)	
Entity exercising reproduction	
Purpose of educational reproduction	purposes of an examination, whether by way of setting the questions, communicating the questions to the candidates or answering the questions

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<sup>1371</sup> S 84(2)(b).

<sup>1372</sup> S 172(1)(c).

<sup>1373</sup> S 175.

Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>1374</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright is not infringed")

5. Educational Publications/Anthologies/Compilations/Composite Works

6. School Performances

Provision	s 45(1)
Scope of school performance	performance
Type(s) of source work(s)	a literary, dramatic, or musical work, (or adaptation of a literary, dramatic, musical work) <sup>1375</sup>
Entity exercising school performance	(a) by a student or staff member in the course of the activities of the school or establishment; or (b) by any person at the school or establishment for the purposes of instruction
Purpose of school performance	an audience consisting of persons who are students or staff members at a school or educational establishment or are "directly connected" <sup>1376</sup> with the activities of the school or establishment
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not a performance in public")

Provision	s 45(2)
Scope of school performance	playing or showing
Type(s) of source work(s)	a sound recording, audio visual work, broadcast, or cable programme
Entity exercising school performance	
Purpose of school performance	for the purposes of instruction, to an audience consisting of persons who are students or staff members at a school or educational establishment or are "directly connected" <sup>1377</sup> with the activities of the school or establishment
Condition of school performance	

<sup>1374</sup> S 84(2)(d).

<sup>1375</sup> S 83.

<sup>1376</sup> S 45(3) (defining "directly connected" as excluding a parent or guardian of a student at a school or educational establishment).

<sup>1377</sup> S 45(3) (defining "directly connected" as excluding a parent or guardian of a student at a school or educational establishment).

Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("is not a playing or showing of the work in public")

Provision	s 173
Scope of school performance	public performance
Type(s) of source work(s)	a sound recording, audio visual work, broadcast or cable programme
Entity exercising school performance	an educational establishment
Purpose of school performance	instruction
Condition of school performance	before an audience consisting of persons who are students or staff members at the establishment or persons "directly connected" <sup>1378</sup> with the activities of the establishment
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe any of the [neighbouring] rights")
Provision	ss 75, 181
Scope of school performance	play
Type(s) of source work(s)	sound recording
Entity exercising school performance	
Purpose of school performance	part of the activities of, or for the benefit of, a club, society, or other organisation
Condition of school performance	club/society/organisation is not established or conducted for profit  main objects of club/society/organisation are charitable or are concerned with the advancement of religion, education or social welfare  proceeds of any charge for admissible to place where recording is to be heard are applied solely for purposes of club/society/organisation
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of copyright/[neighbouring] rights")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 46
Scope of broadcast/communication/recording	recording, or a copy of a recording

<sup>1378</sup> S 173(2) (defining "directly connected" as excluding a parent or guardian of a student at a school or educational establishment).

Type(s) of source work(s)	a broadcast or cable programme
Entity exercising broadcast/communication/recording	made by or on behalf of a school or educational establishment
Purpose of broadcast/communication/recording	educational purposes of that school or establishment
Condition of broadcast/communication/recording	unless there is a collective licence available of which the school or educational establishment is or should or be aware under which copying can be done  special considerations by Copyright Tribunal regarding the licence charges payable by educational establishments under a Part X licensing scheme <sup>1379</sup>
Frequency/limits of broadcast/communication/recording	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>1380</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("without infringing copyright")

Provision	s 174
Scope of broadcast/communication/recording	recording, or a copy of a recording
Type(s) of source work(s)	a broadcast or cable programme
Entity exercising broadcast/communication/recording	made by or on behalf of an educational establishment
Purpose of broadcast/communication/recording	for its educational purposes
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>1381</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("without infringing any of the [neighbouring] rights")
Provision	s 172(2)(a)
Scope of broadcast/communication/recording	copying of a recording
Type(s) of source work(s)	a performance
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	purposes of setting or answering the questions in an examination

<sup>1379</sup> S 155(2) ("[T]he Tribunal shall, in considering what charges (if any) should be paid for a licence, have regard to the extent to which the owners of copyright in the works included in the broadcast or cable programme have already received, or are entitled to receive, payment in respect of their inclusion.")

<sup>1380</sup> S 84(2)(c).

<sup>1381</sup> S 118(3).175.

Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>1382</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... are not infringed")
Provision	s 172(2)(b)
Scope of broadcast/communication/recording	anything done
Type(s) of source work(s)	a performance, recording, audiovisual work, broadcast, or cable programme
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	purposes of an examination by way of communicating the questions to the candidates
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>1383</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... are not infringed")

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

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<sup>1382</sup> S 60(184(2)(d).

<sup>1383</sup> S 84(2)(d).

## Finland

### 1. Treaties & Legislation

Treaties:

Berne Convention: April 1, 1928 (Paris Act (1971): November 1, 1986)

WIPO Copyright Treaty: March 14, 2010

WIPO Performances and Phonograms Treaty: March 14, 2010

Legislation:

Copyright Act (Act No. 404 of July 8, 1961, as amended up to 608/2015)

Act on Collective Management of Copyright (Act No. 1494/2016 of December 29, 2016)

### 2. Private/Personal Use

Provision	s 12(1)
Scope of private/personal use	making copy
Type(s) of source work(s)	a work that has been made public, (performance, <sup>1384</sup> sound recording, <sup>1385</sup> video recording <sup>1386</sup> )
Entity exercising private/personal use	anyone
Purpose of private/personal use	for private use
Condition of private/personal use	work may not be altered without author's consent more than is necessitated by permitted use <sup>1387</sup>
Frequency/copies and limits	single copy  copy may not be used for other purposes
Preclusions (not part of private/personal use)	work of architecture, a computer-readable database, a computer-readable computer program <sup>1388</sup>
Subject to Attribution	source, author (to extent and in manner required by proper usage) <sup>1389</sup>
Subject to Remuneration	compensation payable by State based on surveyed frequency of private use to account of CMO to be distributed to authors <sup>1390</sup>

Provision	s 12(2)
Scope of private/personal use	making copy

<sup>1384</sup> S 45(5).

<sup>1385</sup> S 46(3).

<sup>1386</sup> S 46a(3).

<sup>1387</sup> S 11(2).

<sup>1388</sup> S 12(4).

<sup>1389</sup> S 11(2).

<sup>1390</sup> Ss 26a, 26b.

Type(s) of source work(s)	a work that has been made public, (performance, <sup>1391</sup> sound recording, <sup>1392</sup> video recording <sup>1393</sup> )
Entity exercising private/personal use	a third party
Purpose of private/personal use	for private use of party ordering the copies
Condition of private/personal use	work may not be altered without author's consent more than is necessitated by permitted use <sup>1394</sup>
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	work of architecture, a computer-readable database, a computer-readable computer program, <sup>1395</sup> musical work, cinematographic work, utility article or sculpture, any other work of art by artistic means <sup>1396</sup>
Subject to Attribution	source, author (to extent and in manner required by proper usage) <sup>1397</sup>
Subject to Remuneration	compensation payable by State based on surveyed frequency of private use to account of CMO to be distributed to authors <sup>1398</sup>

### 3. Quotations

Provision	s 22
Scope of quotation	quotation
Type(s) of source work(s)	a work made public, (performance, <sup>1399</sup> sound recording, <sup>1400</sup> video recording, <sup>1401</sup> audio recording of performance and music recording containing images <sup>1402</sup> )
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	in accordance with proper usage to the extent necessary for the purpose  work may not be altered without author's consent more than is necessitated by permitted use <sup>1403</sup>
Preclusions (not part of quotation)	
Subject to Attribution	source, author (to extent and in manner required by proper usage) <sup>1404</sup>

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<sup>1391</sup> S 45(5).

<sup>1392</sup> S 46(3).

<sup>1393</sup> S 46a(3).

<sup>1394</sup> S 11(2).

<sup>1395</sup> S 12(4).

<sup>1396</sup> S 12(3).

<sup>1397</sup> S 11(2).

<sup>1398</sup> Ss 26a, 26b.

<sup>1399</sup> S 45(5).

<sup>1400</sup> S 46(3).

<sup>1401</sup> S 46a(3).

<sup>1402</sup> S 47(4).

<sup>1403</sup> S 11(2).

<sup>1404</sup> S 11(2).

Subject to Remuneration	not required ("may be")
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#### 4. Research/Educational Reproduction

Provision	s 14(1)
Scope of research/educational reproduction	reproduction (not by photocopying or corresponding means)
Type(s) of source work(s)	a work, (performance, <sup>1405</sup> sound recording, <sup>1406</sup> video recording <sup>1407</sup> ), made public
Entity exercising reproduction	
Purpose of educational reproduction	educational activities or in scientific research
Condition of reproduction	educational activities are not to be conducted for purpose of gain <sup>1408</sup>  work may not be altered without author's consent more than is necessitated by permitted use <sup>1409</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	a work (other than that transmitted on radio or television) whose author has prohibited the reproduction or communication of the work <sup>1410</sup>
Subject to Attribution	source, author (to extent and in manner required by proper usage) <sup>1411</sup>
Subject to Remuneration	extended collective licence under s 26 <sup>1412</sup>

Provision	s 14(2)
Scope of research/educational reproduction	reproduction by direct recording of sound or image
Type(s) of source work(s)	a work, (performance, <sup>1413</sup> sound recording, <sup>1414</sup> video recording <sup>1415</sup> ), made public, performed by a teacher or a student
Entity exercising reproduction	anyone
Purpose of educational reproduction	temporary use in educational activities
Condition of reproduction	copy thus made may not be used for other purposes  educational activities are not to be conducted for purpose of gain <sup>1416</sup>

<sup>1405</sup> S 45(5).

<sup>1406</sup> S 46(3).

<sup>1407</sup> S 46a(3).

<sup>1408</sup> S 54a.

<sup>1409</sup> S 11(2).

<sup>1410</sup> S 14(4).

<sup>1411</sup> S 11(2).

<sup>1412</sup> S 26 (providing for a licensee authorised by virtue of the extended collective licence to use a work in the same field whose author the CMO does not represent). Any disputes shall be settled by arbitration. S 54(1) items 2, 3.

<sup>1413</sup> S 45(5).

<sup>1414</sup> S 46(3).

<sup>1415</sup> S 46a(3).

<sup>1416</sup> S 54a.



	work may not be altered without author's consent more than is necessitated by permitted use <sup>1417</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (to extent and in manner required by proper usage) <sup>1418</sup>
Subject to Remuneration	not required ("may be reproduced")

Provision	s 14(3)
Scope of research/educational reproduction	incorporation
Type(s) of source work(s)	parts of a literary work or (performance, <sup>1419</sup> sound recording, <sup>1420</sup> video recording <sup>1421</sup> ) that has been made public or, when the work is not extensive, the whole work
Entity exercising reproduction	
Purpose of educational reproduction	a test constituting part of the matriculation examination or into any other corresponding test
Condition of reproduction	educational activities are not to be conducted for purpose of gain <sup>1422</sup>  work may not be altered without author's consent more than is necessitated by permitted use <sup>1423</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (to extent and in manner required by proper usage) <sup>1424</sup>
Subject to Remuneration	not required ("may be incorporated")

Provision	s 16c(3)
Scope of research/educational reproduction	use
Type(s) of source work(s)	a work, (performance, <sup>1425</sup> sound recording, <sup>1426</sup> video recording, <sup>1427</sup> ) in the collections of the National Audiovisual Archive, with the exception

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<sup>1417</sup> S 11(2).

<sup>1418</sup> S 11(2).

<sup>1419</sup> S 45(5).

<sup>1420</sup> S 46(3).

<sup>1421</sup> S 46a(3).

<sup>1422</sup> S 54a.

<sup>1423</sup> S 11(2).

<sup>1424</sup> S 11(2).

<sup>1425</sup> S 45(5).

<sup>1426</sup> S 46(3).

<sup>1427</sup> S 46a(3).

	of a cinematographic work deposited by a foreign producer
Entity exercising reproduction	
Purpose of educational reproduction	research and higher education in cinematography
Condition of reproduction	educational activities are not to be conducted for purpose of gain <sup>1428</sup>  work may not be altered without author's consent more than is necessitated by permitted use <sup>1429</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (to extent and in manner required by proper usage) <sup>1430</sup>
Subject to Remuneration	not required ("may be used")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 18
Scope of anthologies/compilations limitation/exception	incorporation into a literary or artistic work of compilation consisting of works by several authors which is printed or produced by corresponding means
Type(s) of source work(s)	minor parts of literary or musical works, or, if not extensive, the entire work, and work of art made public in connection with text, but not a work created for use in education
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	use in education
Condition of anthologies/compilations limitation/exception	work may not be altered without author's consent more than is necessitated by permitted use <sup>1431</sup>  educational activities are not to be conducted for purpose of gain <sup>1432</sup>
Frequency/copies and limits	5 years have elapsed from year of publication
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (to extent and in manner required by proper usage) <sup>1433</sup>
Subject to Remuneration	right of remuneration entitled to author

<sup>1428</sup> S 54a.

<sup>1429</sup> S 11(2).

<sup>1430</sup> S 11(2).

<sup>1431</sup> S 11(2).

<sup>1432</sup> S 54a.

<sup>1433</sup> S 11(2).

6. School Performances

Provision	s 21(1)
Scope of school performance	public performance
Type(s) of source work(s)	a published work, (performance, <sup>1434</sup> sound recording, <sup>1435</sup> audio recording of performance and music recording containing images <sup>1436</sup> ), but not dramatic or cinematographic works
Entity exercising school performance	
Purpose of school performance	[inter alia] education
Condition of school performance	work may not be altered without author's consent more than is necessitated by permitted use <sup>1437</sup>  educational activities are not to be conducted for purpose of gain <sup>1438</sup>
Preclusions (not part of school performance)	
Subject to Attribution	source, author (to extent and in manner required by proper usage) <sup>1439</sup>
Subject to Remuneration	

Provision	s 11(3)
Scope of school performance	public performance
Type(s) of source work(s)	a work, (performance, <sup>1440</sup> sound recording, <sup>1441</sup> video recording <sup>1442</sup> ), made public (but not a work (other than that transmitted on radio or television) whose author has prohibited the reproduction or communication of the work) (made pursuant to s 14(1) under an extended collective licence) <sup>1443</sup>
Entity exercising school performance	
Purpose of school performance	educational activities or in scientific research
Condition of school performance	work may not be altered without author's consent more than is necessitated by permitted use <sup>1444</sup>

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<sup>1434</sup> S 45(5).

<sup>1435</sup> S 46(3).

<sup>1436</sup> S 47(4).

<sup>1437</sup> S 11(2). See s 2(3)(2) (defining "making available to the public" as including the public performance of a work to an audience present at a performance).

<sup>1438</sup> S 54a.

<sup>1439</sup> S 11(2). See s 2(3)(2) (defining "making available to the public" as including the public performance of a work to an audience present at a performance).

<sup>1440</sup> S 45(5).

<sup>1441</sup> S 46(3).

<sup>1442</sup> S 46a(3).

<sup>1443</sup> S 14(4).

<sup>1444</sup> S 11(2). See s 2(3)(2) (defining "making available to the public" as including the public performance of a work to an audience present at a performance).

	educational activities are not to be conducted for purpose of gain <sup>1445</sup>
Preclusions (not part of school performance)	
Subject to Attribution	source, author (to extent and in manner required by proper usage) <sup>1446</sup>
Subject to Remuneration	extended collective licence under s 26 <sup>1447</sup>

See also s 16c(3) (use of a work in the collections of the National Audiovisual Archive for purposes of research and higher education in cinematography).

## 7. Educational Broadcasts/Communications/Recordings

Provision	s 14(1)
Scope of broadcast/communication/recording	communication to the public (not by transmitting on radio or television)
Type(s) of source work(s)	a work, (performance, <sup>1448</sup> sound recording, <sup>1449</sup> video recording <sup>1450</sup> ), made public (but not a work (other than that transmitted on radio or television) whose author has prohibited the reproduction or communication of the work) <sup>1451</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	educational activities or in scientific research
Condition of broadcast/communication/recording	educational activities are not to be conducted for purpose of gain <sup>1452</sup>  work may not be altered without author's consent more than is necessitated by permitted use <sup>1453</sup>
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (to extent and in manner required by proper usage) <sup>1454</sup>
Subject to Remuneration	extended collective licence under s 26 <sup>1455</sup>

<sup>1445</sup> S 54a.

<sup>1446</sup> S 11(2). See s 2(3)(2) (defining "making available to the public" as including the public performance of a work to an audience present at a performance).

<sup>1447</sup> s 11(4) (providing that "provisions of subsection 3 shall correspondingly apply to use by virtue of extended collective licence"), which is set out in s 26.

<sup>1448</sup> S 45(5).

<sup>1449</sup> S 46(3).

<sup>1450</sup> S 46a(3).

<sup>1451</sup> S 14(4).

<sup>1452</sup> S 54a.

<sup>1453</sup> S 11(2).

<sup>1454</sup> S 11(2).

<sup>1455</sup> S 26 (providing for a licensee authorised by virtue of the extended collective licence to use a work in the same field whose author the CMO does not represent). Any disputes shall be settled by arbitration. S 54(1) items 2, 3.

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	s 50a(3)
Scope of TPM/RMI restriction	circumventing effective technological protection measure
Type(s) of source work(s)	not a technological measure protecting a computer program
Beneficiary exercising restriction	
Purpose of restriction	course of research or education relating to cryptology
Condition of restriction	work in which the technological measure has been circumvented for the purposes of listening or viewing shall not be reproduced  educational activities are not to be conducted for purpose of gain <sup>1456</sup>

10. Other Limitations/Exceptions


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<sup>1456</sup> S 54a.

## France

### 1. Treaties & Legislation

Treaties:

Berne Convention: December 5, 1887 (Paris Act (1971): December 15, 1972)

WIPO Copyright Treaty: March 14, 2010

WIPO Performances and Phonograms Treaty: March 14, 2010

Legislation:

Intellectual Property Code (amended by Act No. 2016-925 of July 7, 2016)

### 2. Private/Personal Use

Provision	Art. L122-5.1
Scope of private/personal use	performances
Type(s) of source work(s)	a published work
Entity exercising private/personal use	
Purpose of private/personal use	private performance carried out exclusively within the family circle
Condition of private/personal use	gratuitous performance  performances shall not prejudice the normal exploitation of the work nor unreasonably prejudice the legitimate interests of the author <sup>1457</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")

Provision	Art. L122-5.2
Scope of private/personal use	copies or reproductions
Type(s) of source work(s)	a published work
Entity exercising private/personal use	
Purpose of private/personal use	strictly for the private use of the copier
Condition of private/personal use	not intended for collective use
Frequency/copies and limits	
Preclusions (not part of private/personal use)	copies of works of art to be used for the same purpose for which the original work was created  copies of software other than the backup copy made as provided for in section II of Article L. 122-6-1  copies or reproductions of an electronic database

<sup>1457</sup> Art. L122-5 proviso.

	reproductions shall not prejudice the normal exploitation of the work nor unreasonably prejudice the legitimate interests of the author <sup>1458</sup>
Subject to Attribution	
Subject to Remuneration	remuneration payable by manufacturers/importers/acquirers of recording media that may be used for reproduction of works for private use, collected by one or more CMOs for distribution to authors, performers, producers of works fixed on phonograms/videograms and any other medium <sup>1459</sup>

Provision	Art. L211-3.1
Scope of private/personal use	private performance
Type(s) of source work(s)	a performance, phonogram, videogram, audiovisual communication, broadcast, cable retransmission
Entity exercising private/personal use	
Purpose of private/personal use	exclusively within the family circle
Condition of private/personal use	free performance
Frequency/copies and limits	
Preclusions (not part of private/personal use)	private performance shall not prejudice the normal exploitation of the work nor unreasonably prejudice the legitimate interests of the author <sup>1460</sup>
Subject to Attribution	
Subject to Remuneration	not required ("beneficiaries [of neighbouring rights]... may not prohibit")

Provision	Art. L211-3.2
Scope of private/personal use	reproduction
Type(s) of source work(s)	a performance, phonogram, videogram, audiovisual communication, broadcast, cable retransmission
Entity exercising private/personal use	
Purpose of private/personal use	private use by the person who has made them
Condition of private/personal use	not intended for any collective use
Frequency/copies and limits	
Preclusions (not part of private/personal use)	reproduction shall not prejudice the normal exploitation of the work nor unreasonably prejudice the legitimate interests of the author <sup>1461</sup>
Subject to Attribution	

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<sup>1458</sup> Art. L122-5 proviso.

<sup>1459</sup> Art. L311-1 to L311-8.

<sup>1460</sup> Art. L122-5 proviso.

<sup>1461</sup> Art. L122-5 proviso.

Subject to Remuneration	remuneration payable by manufacturers/importers/acquirers of recording media that may be used for reproduction of works for private use, collected by one or more CMOs for distribution to authors, performers, producers of works fixed on phonograms/videograms and any other medium <sup>1462</sup>
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### 3. Quotations

Provision	Art. L122-5.3(a)
Scope of quotation	analyses and short quotations
Type(s) of source work(s)	a published work
Entity exercising quotation	
Purpose of quotation	justified by critical, polemic, educational, scientific or informative nature of the work in which they are incorporated
Condition of quotation	
Preclusions (not part of quotation)	quotation shall not prejudice the normal exploitation of the work nor unreasonably prejudice the legitimate interests of the author <sup>1463</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("author may not prohibit")
Provision	Art. L211-3.3
Scope of quotation	analyses and brief quotations
Type(s) of source work(s)	a performance, phonogram, videogram, audiovisual communication, broadcast, cable retransmission
Entity exercising quotation	
Purpose of quotation	justified by critical, polemic, educational, scientific or informative nature of the work in which they are incorporated
Condition of quotation	
Preclusions (not part of quotation)	quotation shall not prejudice the normal exploitation of the work nor unreasonably prejudice the legitimate interests of the author <sup>1464</sup>
Subject to Attribution	source
Subject to Remuneration	not required ("beneficiaries [of neighbouring rights]... may not prohibit")

### 4. Research/Educational Reproduction

Provision	Art. L122-5.3(e)
Scope of research/educational reproduction	reproduction, including through a digital workspace to a public mainly composed of

<sup>1462</sup> Art. L311-1 to L311-8.

<sup>1463</sup> Art. L122-5 proviso.

<sup>1464</sup> Art. L122-5 proviso.



	pupils, students, teachers or researchers directly involved in the act of teaching, training or research activity requiring such representation or reproduction
Type(s) of source work(s)	works that have been disclosed (excluding works designed for educational purposes and musical scores)
Entity exercising reproduction	
Purpose of educational reproduction	illustration for teaching and research, including the development and dissemination of subjects exams or competitions to the exclusion of any entertainment or recreational activity
Condition of reproduction	not subject to any publication or dissemination to third parties  the use of this representation or reproduction does not give rise to any commercial use
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	representation or reproduction shall not prejudice the normal exploitation of the work nor unreasonably prejudice the legitimate interests of the author <sup>1465</sup>
Subject to Attribution	source, author
Subject to Remuneration	a negotiated remuneration on a flat rate [for the author]

Provision	Art. L211-3.3
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	extracts of works/objects protected by neighbouring rights, that have been designed for educational purposes
Entity exercising reproduction	
Purpose of educational reproduction	sole purpose of illustration for teaching and research, excluding any entertainment or recreational activity
Condition of reproduction	the public to which this reproduction is intended is made up predominantly of pupils, students, teachers or researchers directly concerned  use of this reproduction does not lead to any commercial use
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source
Subject to Remuneration	a negotiated remuneration on a flat rate [for the owners of the neighbouring rights]

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<sup>1465</sup> Art. L122-5 proviso.

5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	Art. L122-5.3(e)
Scope of broadcast/communication/recording	representation, including through a digital workspace to a public mainly composed of pupils, students, teachers or researchers directly involved in the act of teaching, training or research activity requiring such representation or reproduction
Type(s) of source work(s)	works that have been disclosed (excluding works designed for educational purposes and musical scores)
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	illustration for teaching and research, including the development and dissemination of subjects exams or competitions to the exclusion of any entertainment or recreational activity
Condition of broadcast/communication/recording	not subject to any publication or dissemination to third parties  the use of this representation or reproduction does not give rise to any commercial use
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	representation shall not prejudice the normal exploitation of the work nor unreasonably prejudice the legitimate interests of the author <sup>1466</sup>
Subject to Attribution	source, author
Subject to Remuneration	a negotiated remuneration on a flat rate [for the author]

Provision	Art. L211-3.3
Scope of broadcast/communication/recording	public communication
Type(s) of source work(s)	extracts of works/objects protected by neighbouring rights, that have been designed for educational purposes
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	sole purpose of illustration for teaching and research, excluding any entertainment or recreational activity
Condition of broadcast/communication/recording	use of this communication does not lead to any commercial use

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<sup>1466</sup> Art. L122-5 proviso.

Frequency/limits of broadcast/communication/recording	the public to which this communication is intended is made up predominantly of pupils, students, teachers or researchers directly concerned
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source
Subject to Remuneration	a negotiated remuneration on a flat rate [for the owners of the neighbouring rights]

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. L331-7
Scope of TPM/RMI restriction	rightholder who used effective technological measures in respect of his work to limit the number of copies to take appropriate measures, in consultation with the authorized consumer associations and other interested parties, to ensure for the “beneficiaries” the effective exercise of the exceptions
Type(s) of source work(s)	lawfully accessed work, phonogram, videogram, program
Beneficiary exercising restriction	“beneficiaries”: users who use work/subject-matter for, <i>inter alia</i> , quotations (Art. L122-5.3), illustration for teaching and research (Arts. L122-5.3, L211-3 last para)
Purpose of restriction	
Condition of restriction	to the extent technically possible, exception to not have the effect of undermining normal exploitation of work or protected object, nor unreasonably prejudice the legitimate interests of the rights holder of the work or the protected object
Provision	Art. L331-9
Scope of TPM/RMI restriction	publishers and distributors to not use technological measures to deprive “beneficiaries” the benefit of the exception
Type(s) of source work(s)	television services (on a medium and in digital format)
Beneficiary exercising restriction	“beneficiaries”: users who benefit from private copying/use exception (Art. L122-5.2, L211-3.2)
Purpose of restriction	
Condition of restriction	
Provision	Art. L331-10
Scope of TPM/RMI restriction	require rightholder who implement technological protection measures in respect of his work to bring to knowledge of beneficiary the access conditions to the reading of, and limitations made to

Type(s) of source work(s)	a work, videogram, program or phonogram
Beneficiary exercising restriction	“beneficiaries”: users who access and benefit from private copying/use exception (Artd. L122-5.2, L211-3.2)
Purpose of restriction	
Condition of restriction	

Provision	Art. L331-31.2
Scope of TPM/RMI restriction	High Authority to ensure that implementation of technological measures by rightholder in respect of his work/protected object does not deprive “beneficiaries” the benefit of the exception
Type(s) of source work(s)	work/subject-matter
Beneficiary exercising restriction	“beneficiaries”: users who reproduce/use work/protected object for, <i>inter alia</i> , quotations (Art. L122-5.3), illustrations for teaching and research (Arts. L122-5.3, 211-3.3)
Purpose of restriction	High Authority to determine the manner of exercise of the exceptions including the minimum number of copies authorized under the private copying exception, depending on the type of work or protected object, various public modes of communication and the possibilities offered by technological protection available
Condition of restriction	

## Gabon

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 26, 1962 (Paris Act (1971): June 10, 1975)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Bangui Agreement 1977

Legislation:

Law No. 1/87 of July 29, 1987, instituting Protection for Copyright and Neighboring Rights

### 2. Private/Personal Use

Provision	Art. 33
Scope of private/personal use	reproductions, translations and adaptations
Type(s) of source work(s)	work, (performance, phonogram, radio or television broadcast), <sup>1467</sup> that has been lawfully made available to the public
Entity exercising private/personal use	
Purpose of private/personal use	strictly personal and private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	remuneration paid by manufacturers/importers of blank media used for copy or reproduction, collected by ANPAC into special fund for distribution to authors, performers, phonogram or videogram producers and radio or television producers <sup>1468</sup>

Provision	Art. 33
Scope of private/personal use	communication such as performance
Type(s) of source work(s)	work, (performance, phonogram, radio or television broadcast), <sup>1469</sup> that has been lawfully made available to the public
Entity exercising private/personal use	
Purpose of private/personal use	made exclusively within a family circle
Condition of private/personal use	generate no receipts of any kind
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	

<sup>1467</sup> Art. 85 item 1.

<sup>1468</sup> Art. 89.

<sup>1469</sup> Art. 85 item 1.

Subject to Remuneration	not required ("author may not prohibit")
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### 3. Quotations

Provision	Art. 34
Scope of quotation	analyses and short quotations
Type(s) of source work(s)	a work, (short fragments of a performance, phonogram or radio or television broadcast), <sup>1470</sup> already made lawfully available to the public, including quotations from newspaper articles and periodicals in the form of press reviews
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	comply with fair use and to the extent that they are justified by the scientific, critical, polemic, teaching or informatory purpose
Preclusions (not part of quotation)	
Subject to Attribution	title, author
Subject to Remuneration	not required ("shall be lawful")

### 4. Research/Educational Reproduction

### 5. Educational Publications/Anthologies/Compilations/Composite Works

### 6. School Performances

Provision	Art. 33
Scope of school performance	communications such as performance, execution
Type(s) of source work(s)	work has been lawfully made available to the public
Entity exercising school performance	
Purpose of school performance	strictly educational or welfare purposes
Condition of school performance	made free of charge  [in premises reserved for that purpose] <sup>1471</sup>
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")

### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 33
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<sup>1470</sup> Art. 85 item 4.

<sup>1471</sup> *Quaere* whether this expression qualifies "during a religious service" or also "educational or welfare purposes".

Scope of broadcast/communication/recording	communications such as diffusion <sup>1472</sup>
Type(s) of source work(s)	work, (performance, phonogram, radio or television broadcast), <sup>1473</sup> that has been lawfully made available to the public
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	strictly educational or welfare purposes
Condition of broadcast/communication/recording	made free of charge
Frequency/limits of broadcast/communication/recording	[in premises reserved for that purpose] <sup>1474</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")

Provision	Art. 85 item 3
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	a performance, phonogram, radio or television broadcast <sup>1475</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	solely for the purposes of teaching and scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("neighboring rights shall not apply")

## 8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 40
Nature of compulsory licence for translation for educational purposes	non-exclusive, non-assignable compulsory licence, for translation, in Gabon
Scope of compulsory licence for digital copying and dissemination	no digital reproduction <sup>1476</sup>

<sup>1472</sup> Art. 29 (defining "diffusion" as public communication by any "other means" (in contradistinction to recitation, performance and public execution) serving to diffuse by wireless means the signs, sounds or images).

<sup>1473</sup> Art. 85 item 1.

<sup>1474</sup> *Quaere* whether this expression qualifies "during a religious service" or also "educational or welfare purposes".

<sup>1475</sup> Art. 85 item 1.

<sup>1476</sup> A reproduction is constrained by the reference to "physical form". Art. 28, 29 (defining "reproduction" as "the physical fixation of the work by any process, whether known or as yet to be discovered", and "reproduction of the work

	no digital publication <sup>1477</sup> no digital dissemination <sup>1478</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	foreign works already made lawfully available to the public and their publication
Licence applicant/entity	
Purpose of licence	school, university or research use, needs of school and post-university teaching <sup>1479</sup>
Condition of licence	grant of a license shall not prejudice the author's moral rights <sup>1480</sup>
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	

Provision	Art. 40
Nature of compulsory licence for reproduction for educational purposes	non-exclusive, non-assignable compulsory licence, for reproduction and publication, in Gabon
Scope of compulsory licence for digital copying and dissemination	no digital reproduction <sup>1481</sup> no digital publication <sup>1482</sup> no digital dissemination <sup>1483</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	foreign works already made lawfully available to the public and their publication
Licence applicant/entity	
Purpose of licence	school, university or research use, needs of school and post-university teaching <sup>1484</sup>
Condition of licence	grant of a license shall not prejudice the author's moral rights <sup>1485</sup>
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	

in any physical form whatsoever, particularly in the form of a phonogram or of an audiovisual work" and publication as "placing in circulation of the reproduced work").

<sup>1477</sup> Art. 29 (defining the exclusive right of "placing in circulation of the [physical] reproduced work").

<sup>1478</sup> No reference to "diffusion" or "communication to the public". See Art. 29 (defining "diffusion" as "diffusion of his works or their public communication by any other means serving to diffuse by wireless means the signs, sounds or images" and "public communication" as "public communication, either by wire or by wireless means, of the broadcast work where communication is effected by an organization other than the original organization").

<sup>1479</sup> Art. 41.

<sup>1480</sup> Art. 41. Moral rights are spelt out in Art. 25.

<sup>1481</sup> A reproduction is constrained by the reference to "physical form". Art. 28, 29 (defining "reproduction" as "the physical fixation of the work by any process, whether known or as yet to be discovered", and "reproduction of the work in any physical form whatsoever, particularly in the form of a phonogram or of an audiovisual work" and publication as "placing in circulation of the reproduced work").

<sup>1482</sup> Art. 29 (defining the exclusive right of "placing in circulation of the [physical] reproduced work").

<sup>1483</sup> No reference to "diffusion" or "communication to the public". See Art. 29 (defining "diffusion" as "diffusion of his works or their public communication by any other means serving to diffuse by wireless means the signs, sounds or images" and "public communication" as "public communication, either by wire or by wireless means, of the broadcast work where communication is effected by an organization other than the original organization").

<sup>1484</sup> Art. 41.

<sup>1485</sup> Art. 41. Moral rights are spelt out in Art. 25.



9. TPM/RMI Exceptions for Educational Purposes

## Gambia

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 7, 1993 (Paris Act (1971): March 7, 1993)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act, 2004

### 2. Private/Personal Use

Provision	s 27
Scope of private/personal use	private reproduction
Type(s) of source work(s)	a published work
Entity exercising private/personal use	an individual
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a database, computer program <sup>1486</sup> , any work where "reproduction would conflict with a normal exploitation of work or would otherwise unreasonably prejudice legitimate interests of author or other copyright owner" <sup>1487</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without the authorisation of the author or other owner")
Provision	s 43(a)
Scope of private/personal use	private use
Type(s) of source work(s)	a performance, broadcast, sound recording, audiovisual work
Entity exercising private/personal use	
Purpose of private/personal use	
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

Provision	s 14(a)
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<sup>1486</sup> S 28 (excepting the temporary reproduction of a work).

<sup>1487</sup> S 27(2)(e).

Scope of private/personal use	use, involving the reproduction in any material form, the communication to the public or the broadcasting, by way of fair dealing
Type(s) of source work(s)	the whole programme-carrying signal or a substantial part thereof, <sup>1488</sup> either in its original form or in any form recognisably derived from the original
Entity exercising private/personal use	
Purpose of private/personal use	scientific research, private use, criticism or review or the reporting of current events
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of the right of the author")

### 3. Quotations

Provision	s 29
Scope of quotation	reproduction
Type(s) of source work(s)	a short part of a published work
Entity exercising quotation	
Purpose of quotation	in the form of quotation
Condition of quotation	reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author or other owner (if indicated on source)
Subject to Remuneration	not required ("without authorisation of the author or other owner")

Provision	s 43(d)
Scope of quotation	quotation, of short excerpts
Type(s) of source work(s)	a performance, sound recording, audio visual work or broadcast
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	compatible with fair practice  justified by informative purpose of those quotations
Preclusions (not part of quotation)	
Subject to Attribution	

<sup>1488</sup> S 2(1) (defining "programme-carrying signals" electronically generated carriers transmitting live or recorded material consisting of images, sounds or both, in their original form or any form recognizable derived from the original, in extra-terrestrial space;").

Subject to Remuneration	not required ("[neighbouring rights] shall not apply")
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#### 4. Research/Educational Reproduction

Provision	s 30(1)(a)
Scope of research/educational reproduction	reproduction, by way of illustration, in writing
Type(s) of source work(s)	short part of a published work
Entity exercising reproduction	
Purpose of educational reproduction	for teaching purposes
Condition of reproduction	no collective licence offered by a Collecting Society of which educational institution is or should be aware  reproduction is compatible with fair practice
Frequency/copies and limits	does not exceed the extent justified by the purpose  isolated one; if repeated, occurrence on separate and unrelated occasions
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, title indicated on all copies
Subject to Remuneration	not required ("without authorisation of the author or other owner")
Provision	s 30(1)(b)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	published articles, other short works or short extracts of works
Entity exercising reproduction	
Purpose of educational reproduction	face-to-face teaching in educational institutions
Condition of reproduction	whose activities do not serve direct or indirect commercial gain  no collective licence offered by a Collecting Society of which educational institution is or should be aware
Frequency/copies and limits	reproduction does not exceed the extent justified by the purpose  isolated one; if repeated, occurrence on separate and unrelated occasions
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, title indicated on all copies
Subject to Remuneration	not required ("without authorisation of the author or other owner")

Provision	s 14(a)
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Scope of research/educational reproduction	use, involving the reproduction in any material form, by way of fair dealing
Type(s) of source work(s)	the whole programme-carrying signal or a substantial part thereof, <sup>1489</sup> either in its original form or in any form recognisably derived from the original
Entity exercising reproduction	
Purpose of educational reproduction	scientific research, private use, criticism or review or the reporting of current events
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of the right of the author")

Provision	s 14(c)
Scope of research/educational reproduction	reproduction and use of reproduction
Type(s) of source work(s)	a broadcast
Entity exercising reproduction	
Purpose of educational reproduction	in an educational institution or for the systematic instructional activities in any educational institution
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of the right of the author")

##### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 30(1)(a)
Scope of anthologies/compilations limitation/exception	reproduction, by way of illustration, in sound or visual recording
Type(s) of source work(s)	short part of a published work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for teaching purposes
Condition of anthologies/compilations limitation/exception	reproduction is compatible with fair practice
Frequency/copies and limits	isolated one; if repeated, occurrence on separate and unrelated occasions

<sup>1489</sup> S 2(1) (defining "programme-carrying signals" electronically generated carriers transmitting live or recorded material consisting of images, sounds or both, in their original form or any form recognizable derived from the original, in extra-terrestrial space;").

	reproduction does not exceed the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, title indicated on all copies
Subject to Remuneration	not required ("without authorisation of the author or other owner")

#### 6. School Performances

Provision	s 43(c)
Scope of school performance	[use]
Type(s) of source work(s)	a performance, broadcast, sound recording, audiovisual work
Entity exercising school performance	
Purpose of school performance	teaching or scientific research
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 43(c)
Scope of broadcast/communication/recording	[use]
Type(s) of source work(s)	a performance, broadcast, sound recording, audiovisual work
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching or scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

Provision	s 14(a)
Scope of broadcast/communication/recording	use, involving the communication to the public or the broadcasting, by way of fair dealing

Type(s) of source work(s)	the whole programme-carrying signal or a substantial part thereof, <sup>1490</sup> either in its original form or in any form recognisably derived from the original
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	scientific research, private use, criticism or review or the reporting of current events
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of the right of the author")

Provision	s 14(b)
Scope of broadcast/communication/recording	use, involving the broadcast
Type(s) of source work(s)	programme-carrying signals <sup>1491</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	systematic instructional activities
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of the right of the author")

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

<sup>1490</sup> S 2(1) (defining "programme-carrying signals" electronically generated carriers transmitting live or recorded material consisting of images, sounds or both, in their original form or any form recognizable derived from the original, in extra-terrestrial space;").

<sup>1491</sup> S 2(1) (defining "programme-carrying signals" electronically generated carriers transmitting live or recorded material consisting of images, sounds or both, in their original form or any form recognizable derived from the original, in extra-terrestrial space;").

## Georgia

### 1. Treaties & Legislation

Treaties:

Berne Convention: May 16, 1995 (Paris Act (1971): May 16, 1995)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

Law of Georgia on Copyright and Neighboring Rights (last amended as of May 4, 2010)

### 2. Private/Personal Use

Provision	Art. 21(1)
Scope of private/personal use	reproduce or make available to the public
Type(s) of source work(s)	a publicly available work by way of lawful publication
Entity exercising private/personal use	natural person
Purpose of private/personal use	only for personal use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture, reprographic reproduction of whole of book or musical notation or work of fine art, electronic databases, <sup>1492</sup> computer programs <sup>1493</sup> , audiovisual work or work fixed in phonogram or videogram
Subject to Attribution	
Subject to Remuneration	audiovisual work, phonogram: remuneration, paid by producers and importers of equipment (audio- and video recorders and other equipment) and of material carriers (audio and video tapes, cassettes, laser disks, compact disks, and other material carriers) <sup>1494</sup> , and collected by CMO, payable to author or other copyright owner  other works: not required ("without payment of remuneration")

Provision	Art. 51(3)
Scope of private/personal use	use
Type(s) of source work(s)	a performance, broadcast of a broadcasting organization and records thereof, and reproduction of a phonogram or videogram

<sup>1492</sup> Arts. 28 (excepting use and backup/archival of the computer program or database), 30 (excepting acts necessary for access to database contents and normal use).

<sup>1493</sup> Arts. 28 (excepting use and backup/archival of the computer program or database), 29 (decompilation of a computer program).

<sup>1494</sup> Art. 21(3), (4), (5). More details are spelt out in Art. 21(6) to (9).



Entity exercising private/personal use	natural persons
Purpose of private/personal use	personal use
Condition of private/personal use	reproduction carried out pursuant to Art. 21
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	audiovisual work, phonogram: remuneration, paid by producers and importers of equipment (audio- and video recorders and other equipment) and of material carriers (audio and video tapes, cassettes, laser disks, compact disks, and other material carriers) <sup>1495</sup> , and collected by CMO, payable to author or other copyright owner <sup>1496</sup>  other works: not required ("shall be permitted ")

### 3. Quotations

Provision	Art. 23(a)
Scope of quotation	quotations
Type(s) of source work(s)	original works made available to the public by means of lawful publication or making available to the public, including reproduction of short extracts from newspapers and journals for a printed survey
Entity exercising quotation	
Purpose of quotation	research, criticism or review
Condition of quotation	to the extent justified for the purpose of quotation
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without paying remuneration")

Provision	Art. 23(b)
Scope of quotation	use for illustrations
Type(s) of source work(s)	short extracts of works made available to the public by means of lawful publication, in printed matter, radio and television programs, sound and visual recordings of educational character
Entity exercising quotation	
Purpose of quotation	extent justified by the purpose to be achieved
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without paying remuneration")

<sup>1495</sup> Art. 21(3), (4), (5). More details are spelt out in Art. 21(6) to (9).

<sup>1496</sup> Art. 51(3) (subjecting use to remuneration as prescribed by Art. 21).

Provision	Art. 51(2)(a)
Scope of quotation	quotations
Type(s) of source work(s)	a performance, phonogram, videogram and broadcast of a broadcasting organization and recordings thereof
Entity exercising quotation	
Purpose of quotation	research, criticism or review, and informatory purposes
Condition of quotation	to the extent justified for the purpose of quotation
Preclusions (not part of quotation)	shall not conflict with normal exploitation of the related rights and shall not unreasonably prejudice the lawful interests of the owners of the related rights <sup>1497</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without remuneration")

Provision	Art. 51(2)(b)
Scope of quotation	use of extracts, excerpts and illustrations
Type(s) of source work(s)	a performance, phonogram, videogram and broadcast of a broadcasting organization
Entity exercising quotation	
Purpose of quotation	teaching and scientific research
Condition of quotation	to the extent justified for the purpose
Preclusions (not part of quotation)	shall not conflict with normal exploitation of the related rights and shall not unreasonably prejudice the lawful interests of the owners of the related rights <sup>1498</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without remuneration")

#### 4. Research/Educational Reproduction

Provision	Art. 22(c)
Scope of research/educational reproduction	reprographic copies <sup>1499</sup>
Type(s) of source work(s)	short extracts from the lawfully published individual articles and other small-volume works, or written works (other than computer programs)
Entity exercising reproduction	educational institutions
Purpose of educational reproduction	teaching purposes
Condition of reproduction	without receiving direct or indirect profit
Frequency/copies and limits	to the extent justified by the set aim
Preclusions (not part of research/educational reproduction)	

<sup>1497</sup> Art. 51(1).

<sup>1498</sup> Art. 51(1).

<sup>1499</sup> Art. 4(o) (defining "reprographic reproduction (copying)" as the making of a copy of the original of a work, data or other material expressed by written or graphic means or of facsimiles of copies thereof in any size by any means of photocopying or other technical means; the recording in an electronic form (including digital), optical or other machine readable form shall not be deemed to reprographic reproduction).

Subject to Attribution	source, author
Subject to Remuneration	not required ("without paying remuneration")

5. Educational Publications/Anthologies/Compilations/Composite Works
6. School Performances
7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Germany

### 1. Treaties & Legislation

Treaties:

Berne Convention: December 5, 1887 (Paris Act (1971): January 22, 1974)

WIPO Copyright Treaty: March 14, 2010

WIPO Performances and Phonograms Treaty: March 14, 2010

Legislation:

Act on Copyright and Related Rights (Copyright Act, as amended up to Law of October 1, 2013)

### 2. Private/Personal Use

Provision	Art. 53(1)
Scope of private/personal use	copy, on any medium
Type(s) of source work(s)	a work, (a performance, <sup>1500</sup> an audio recording, <sup>1501</sup> a broadcast <sup>1502</sup> )
Entity exercising private/personal use	a natural person, or another person authorized by natural person if no payment is received, or if it involves copies on paper or a similar medium made using a photomechanical technique or similar process
Purpose of private/personal use	private use
Condition of private/personal use	copy neither directly nor indirectly serve commercial purposes  no obviously unlawfully-produced model or a model which has been unlawfully made available to the public is used for copying  copies made may not be distributed nor communicated to the public <sup>1503</sup>
Frequency/copies and limits	single copies
Preclusions (not part of private/personal use)	public lectures, productions or performances of a work on video or audio recording media, realization of plans and drafts of artistic works, reconstruction of architectural works (permissible only with consent of rightholder) <sup>1504</sup>
Subject to Attribution	
Subject to Remuneration	equitable remuneration payable by reproduction appliance or storage media [manufacturer/retailer/importer] used solely or together with other appliances, media or

<sup>1500</sup> Art. 83.

<sup>1501</sup> Art. 85(4).

<sup>1502</sup> Art. 87(4).

<sup>1503</sup> Art. 53(6) (providing, however, that it is permissible to lend lawfully produced copies of newspapers and out-of-print works, as well as works in which no damaged or missing parts have been replaced by means of copies).

<sup>1504</sup> Art. 53(7).

	accessories for making such reproductions, and from operator of photocopiers, <sup>1505</sup> through a collecting society <sup>1506</sup> to authors <sup>1507</sup>
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Provision	Art. 53(2) first sentence, item 1
Scope of private/personal use	copies, or to have copies made
Type(s) of source work(s)	a work, (a performance, <sup>1508</sup> an audio recording, <sup>1509</sup> a broadcast <sup>1510</sup> )
Entity exercising private/personal use	
Purpose of private/personal use	for one's own scientific use
Condition of private/personal use	if and to the extent that such reproduction is necessary for the purpose and it does not serve a commercial purpose  copies made may not be distributed nor communicated to the public <sup>1511</sup>
Frequency/copies and limits	single copies
Preclusions (not part of private/personal use)	public lectures, productions or performances of a work on video or audio recording media, realization of plans and drafts of artistic works, reconstruction of architectural works (permissible only with consent of rightholder) <sup>1512</sup>
Subject to Attribution	source (unless source is not named or not known), if reproduction of entire literary/musical work: publishing house and author, whether work abridged or other alterations made <sup>1513</sup>
Subject to Remuneration	equitable remuneration payable by reproduction appliance or storage media [manufacturer/retailer/importer] used solely or together with other appliances, media or accessories for making such reproductions, and from operator of photocopiers, <sup>1514</sup> through a collecting society <sup>1515</sup> to authors <sup>1516</sup>

Provision	Art. 53(2) first sentence, item 2
Scope of private/personal use	copies, or to have copies made

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<sup>1505</sup> Art. 54c.

<sup>1506</sup> Art. 54h.

<sup>1507</sup> Art. 54(1). Art. 54(2) provides that the equitable remuneration claim shall not apply where it can be expected that appliance or storage media will not be used for reproductions in the territory to which the Act applies.

<sup>1508</sup> Art. 83.

<sup>1509</sup> Art. 85(4).

<sup>1510</sup> Art. 87(4).

<sup>1511</sup> Art. 53(6) (providing, however, that it is permissible to lend lawfully produced copies of newspapers and out-of-print works, as well as works in which no damaged or missing parts have been replaced by means of copies).

<sup>1512</sup> Art. 53(7).

<sup>1513</sup> Art. 63(1).

<sup>1514</sup> Art. 54c.

<sup>1515</sup> Art. 54h.

<sup>1516</sup> Art. 54(1). Art. 54(2) provides that the equitable remuneration claim shall not apply where it can be expected that appliance or storage media will not be used for reproductions in the territory to which the Act applies.

Type(s) of source work(s)	a work, (a performance, <sup>1517</sup> an audio recording, <sup>1518</sup> a broadcast <sup>1519</sup> )
Entity exercising private/personal use	
Purpose of private/personal use	inclusion in a personal archive if and insofar as the reproduction is necessary for this purpose
Condition of private/personal use	one's own personal copy of the work is used as model from which copy is made  reproduction is effected on paper or similar medium by use of photographic or similar technique, or exclusively analogue use takes place, or "archive acting in the public interest and pursues no direct or indirect economic or commercial purpose"  copies made may not be distributed nor communicated to the public <sup>1520</sup>
Frequency/copies and limits	single copies
Preclusions (not part of private/personal use)	public lectures, productions or performances of a work on video or audio recording media, realization of plans and drafts of artistic works, reconstruction of architectural works (permissible only with consent of rightholder) <sup>1521</sup>
Subject to Attribution	
Subject to Remuneration	equitable remuneration payable by reproduction appliance or storage media [manufacturer/retailer/importer] used solely or together with other appliances, media or accessories for making such reproductions, and from operator of photocopies, <sup>1522</sup> through a collecting society <sup>1523</sup> to authors <sup>1524</sup>

Provision	Art. 53(2) first sentence, item 4
Scope of private/personal use	single copies, or to have single copies made
Type(s) of source work(s)	(a) small parts of a released work or individual articles being released in newspapers or periodicals, (a performance, <sup>1525</sup> an audio recording, <sup>1526</sup> a broadcast <sup>1527</sup> )

<sup>1517</sup> Art. 83.<sup>1518</sup> Art. 85(4).<sup>1519</sup> Art. 87(4).<sup>1520</sup> Art. 53(6) (providing, however, that it is permissible to lend lawfully produced copies of newspapers and out-of-print works, as well as works in which no damaged or missing parts have been replaced by means of copies).<sup>1521</sup> Art. 53(7).<sup>1522</sup> Art. 54c.<sup>1523</sup> Art. 54h.<sup>1524</sup> Art. 54(1). Art. 54(2) provides that the equitable remuneration claim shall not apply where it can be expected that appliance or storage media will not be used for reproductions in the territory to which the Act applies.<sup>1525</sup> Art. 83.<sup>1526</sup> Art. 85(4).<sup>1527</sup> Art. 87(4).

	(b) a work, (a performance, <sup>1528</sup> an audio recording, <sup>1529</sup> a broadcast <sup>1530</sup> ) which has been out of print for at least two years
Entity exercising private/personal use	
Purpose of private/personal use	for other personal use
Condition of private/personal use	reproduction is effected on paper or similar medium by use of photographic or similar technique, or exclusively analogue use takes place  copies made may not be distributed nor communicated to the public <sup>1531</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	public lectures, productions or performances of a work on video or audio recording media, realization of plans and drafts of artistic works, reconstruction of architectural works (permissible only with consent of rightholder) <sup>1532</sup>
Subject to Attribution	
Subject to Remuneration	equitable remuneration payable by reproduction appliance or storage media [manufacturer/retailer/importer] used solely or together with other appliances, media or accessories for making such reproductions, and from operator of photocopies, <sup>1533</sup> through a collecting society <sup>1534</sup> to authors <sup>1535</sup>

Provision	Art. 53(4)
Scope of private/personal use	reproduction, not by means of manual transcription
Type(s) of source work(s)	a) graphic recordings of musical works, b) a book or a periodical, in the case of an essentially complete reproduction c) (a performance, <sup>1536</sup> an audio recording, <sup>1537</sup> a broadcast <sup>1538</sup> )
Entity exercising private/personal use	
Purpose of private/personal use	inclusion in a personal archive if and insofar as the reproduction is necessary for this purpose
Condition of private/personal use	reproduction is effected on paper or similar medium by use of photographic or similar

<sup>1528</sup> Art. 83.<sup>1529</sup> Art. 85(4).<sup>1530</sup> Art. 87(4).<sup>1531</sup> Art. 53(6) (providing, however, that it is permissible to lend lawfully produced copies of newspapers and out-of-print works, as well as works in which no damaged or missing parts have been replaced by means of copies).<sup>1532</sup> Art. 53(7).<sup>1533</sup> Art. 54c.<sup>1534</sup> Art. 54h.<sup>1535</sup> Art. 54(1). Art. 54(2) provides that the equitable remuneration claim shall not apply where it can be expected that appliance or storage media will not be used for reproductions in the territory to which the Act applies.<sup>1536</sup> Art. 83.<sup>1537</sup> Art. 85(4).<sup>1538</sup> Art. 87(4).

	technique, or exclusively analogue use takes place, or "archive acting in the public interest and pursues no direct or indirect economic or commercial purpose"  copies made may not be distributed nor communicated to the public <sup>1539</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	public lectures, productions or performances of a work on video or audio recording media, realization of plans and drafts of artistic works, reconstruction of architectural works (permissible only with consent of rightholder) <sup>1540</sup>
Subject to Attribution	
Subject to Remuneration	not required ("always be permissible")
Provision	Art. 53(4)
Scope of private/personal use	reproduction, not by means of manual transcription
Type(s) of source work(s)	a) graphic recordings of musical works, b) a book or a periodical, in the case of an essentially complete reproduction c) (a performance, <sup>1541</sup> an audio recording, <sup>1542</sup> a broadcast <sup>1543</sup> )
Entity exercising private/personal use	
Purpose of private/personal use	for personal use
Condition of private/personal use	work has been out of print for at least two years  copies made may not be distributed nor communicated to the public <sup>1544</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	public lectures, productions or performances of a work on video or audio recording media, realization of plans and drafts of artistic works, reconstruction of architectural works (permissible only with consent of rightholder) <sup>1545</sup>
Subject to Attribution	
Subject to Remuneration	not required ("always be permissible")

### 3. Quotations

Provision	Art. 51
Scope of quotation	reproduce, distribute and communicate to the public
Type(s) of source work(s)	a published work

<sup>1539</sup> Art. 53(6) (providing, however, that it is permissible to lend lawfully produced copies of newspapers and out-of-print works, as well as works in which no damaged or missing parts have been replaced by means of copies).

<sup>1540</sup> Art. 53(7).

<sup>1541</sup> Art. 83.

<sup>1542</sup> Art. 85(4).

<sup>1543</sup> Art. 87(4).

<sup>1544</sup> Art. 53(6) (providing, however, that it is permissible to lend lawfully produced copies of newspapers and out-of-print works, as well as works in which no damaged or missing parts have been replaced by means of copies).

<sup>1545</sup> Art. 53(7).



Entity exercising quotation	
Purpose of quotation	purpose of quotation
Condition of quotation	so far as such exploitation is justified to that extent by the particular purpose  shall be permissible in particular where: 1. subsequent to publication individual works are included in an independent scientific work for the purpose of explaining the contents, 2. subsequent to publication passages from a work are quoted in an independent work of language, 3. individual passages from a released musical work are quoted in an independent musical work
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be permissible")

#### 4. Research/Educational Reproduction

Provision	Art. 53(3) item 1
Scope of research/educational reproduction	make copies, or to have copies made
Type(s) of source work(s)	small parts of a work, of small-scale works or of individual articles released in newspapers or periodicals or made available to the public, (a performance, <sup>1546</sup> an audio recording, <sup>1547</sup> a broadcast <sup>1548</sup> )
Entity exercising reproduction	
Purpose of educational reproduction	for the purpose of illustration for teaching in schools, in non-commercial training and further training institutions, as well as vocational training institutions in quantities required for [personal use of] the persons receiving instruction
Condition of reproduction	
Frequency/copies and limits	entity may have copies made if and insofar as reproduction is necessary for this purpose  copies made may not be distributed nor communicated to the public <sup>1549</sup>
Preclusions (not part of research/educational reproduction)	a work intended for instructional use at schools (permitted only in cases where the person entitled has given his consent)

<sup>1546</sup> Art. 83.

<sup>1547</sup> Art. 85(4).

<sup>1548</sup> Art. 87(4).

<sup>1549</sup> Art. 53(6) (providing, however, that it is permissible to lend lawfully produced copies of newspapers and out-of-print works, as well as works in which no damaged or missing parts have been replaced by means of copies).

	public lectures, productions or performances of a work on video or audio recording media, realization of plans and drafts of artistic works, reconstruction of architectural works (permissible only with consent of rightholder) <sup>1550</sup>
Subject to Attribution	source (unless source is not named or not known), if reproduction of entire literary/musical work: publishing house and author, whether work abridged or other alterations made <sup>1551</sup>
Subject to Remuneration	equitable remuneration payable by reproduction appliance or storage media [manufacturer/retailer/importer] used solely or together with other appliances, media or accessories for making such reproductions, and from operator of photocopies, <sup>1552</sup> through a collecting society <sup>1553</sup> to authors <sup>1554</sup>

Provision	Art. 53(3) item 2
Scope of research/educational reproduction	make copies, or to have copies made
Type(s) of source work(s)	small parts of a work, of small-scale works or of individual articles released in newspapers or periodicals or made available to the public, (a performance, <sup>1555</sup> an audio recording, <sup>1556</sup> a broadcast <sup>1557</sup> )
Entity exercising reproduction	
Purpose of educational reproduction	for personal use for state examinations and examinations in schools, higher education institutions, non-commercial training and further training institutions, as well as vocational training institutions in the required quantity
Condition of reproduction	
Frequency/copies and limits	entity may have copies made if and insofar as reproduction is necessary for this purpose  copies made may not be distributed nor communicated to the public <sup>1558</sup>
Preclusions (not part of research/educational reproduction)	copying a work intended for instructional use at schools (permitted only in cases where the person entitled has given his consent)

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<sup>1550</sup> Art. 53(7).

<sup>1551</sup> Art. 63(1).

<sup>1552</sup> Art. 54c.

<sup>1553</sup> Art. 54h.

<sup>1554</sup> Art. 54(1). Art. 54(2) provides that the equitable remuneration claim shall not apply where it can be expected that appliance or storage media will not be used for reproductions in the territory to which the Act applies.

<sup>1555</sup> Art. 83.

<sup>1556</sup> Art. 85(4).

<sup>1557</sup> Art. 87(4).

<sup>1558</sup> Art. 53(6) (providing, however, that it is permissible to lend lawfully produced copies of newspapers and out-of-print works, as well as works in which no damaged or missing parts have been replaced by means of copies).

	public lectures, productions or performances of a work on video or audio recording media, realization of plans and drafts of artistic works, reconstruction of architectural works (permitted only with consent of rightholder) <sup>1559</sup>
Subject to Attribution	
Subject to Remuneration	equitable remuneration payable by [manufacturer/retailer/importer] of reproduction appliance or storage media used solely or together with other appliances, media or accessories for making such reproductions, and payable by operator of photocopies, <sup>1560</sup> to a collecting society, <sup>1561</sup> for distribution to authors <sup>1562</sup>

##### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 46
Scope of anthologies/compilations limitation/exception	reproduce, distribute, making works available to the public after publication by incorporation in a collection, which combines the works of a considerable number of authors
Type(s) of source work(s)	limited parts of works, of small scale literary works and of musical works, individual artistic works or individual photographs
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	intended, by its nature, exclusively for instructional use in schools, in non-commercial basic and further training facilities or in vocational training facilities or for church use
Condition of anthologies/compilations limitation/exception	purpose for which collection is to be used shall be clearly stated on copies, or when making them available to the public  intention to exercise Art. 46 entitlement to be first communicated by registered letter to author or, if whereabouts unknown, holder of exclusive exploitation right and two weeks have elapsed since letter was sent, or notification effected by publication in the Federal Gazette <sup>1563</sup>
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	if source work is intended for instructional use in schools, person entitled has to give consent

<sup>1559</sup> Art. 53(7).

<sup>1560</sup> Art. 54c.

<sup>1561</sup> Art. 54h.

<sup>1562</sup> Art. 54(1). Art. 54(2) provides that the equitable remuneration claim shall not apply where it can be expected that appliance or storage media will not be used for reproductions in the territory to which the Act applies.

<sup>1563</sup> Art. 46(3).

	if source works are musical works, collection must be intended for use in musical instruction in schools which are not schools of music <sup>1564</sup>  author may forbid exploitation if work no longer reflects his conviction and can therefore no longer be reasonably expected to agree to exploitation of work and has for that reason revoked any existing exploitation right <sup>1565</sup>
Subject to Attribution	source (unless source is not named or not known), if reproduction of entire literary/musical work: publishing house and author, whether work abridged or other alterations made <sup>1566</sup>
Subject to Remuneration	equitable remuneration to be paid to author <sup>1567</sup>

## 6. School Performances

Provision	Art. 52(1)
Scope of school performance	recite, perform and present (included in the definition of "communicate to the public") <sup>1568</sup>
Type(s) of source work(s)	a published work
Entity exercising school performance	
Purpose of school performance	non-profit-making purpose for the organizer
Condition of school performance	participants are admitted free of charge  in the case of a lecture or performance of a work, if none of the performers is paid a special remuneration
Preclusions (not part of school performance)	public stage performances only permissible with consent of rightholder <sup>1569</sup>
Subject to Attribution	
Subject to Remuneration	equitable remuneration shall be paid for the communication, but not for school events school events insofar as they are only available to a specific, limited group of persons on account of their social or educational purpose, but not where the event serves the profit-making purpose of a third party (third party to pay remuneration)

## 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 46
Scope of broadcast/communication/recording	making works available to the public after publication by incorporation in a collection,

<sup>1564</sup> Art. 46(2).

<sup>1565</sup> Art. 46(5).

<sup>1566</sup> Art. 63(1).

<sup>1567</sup> Art. 46(4).

<sup>1568</sup> Art. 15(2) (defining "communicate to the public" as comprising the right of recitation, performance and presentation (Article 19)).

<sup>1569</sup> Art. 52(3).

	which combines the works of a considerable number of authors
Type(s) of source work(s)	limited parts of works, of small scale literary works and of musical works, individual artistic works or individual photographs
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	intended, by its nature, exclusively for instructional use in schools, in non-commercial basic and further training facilities or in vocational training facilities or for church use
Condition of broadcast/communication/recording	purpose for which collection is to be used shall be clearly stated on copies, or when making them available to the public  intention to exercise Art. 46 entitlement to be first communicated by registered letter to author or, if whereabouts unknown, holder of exclusive exploitation right and two weeks have elapsed since letter was sent, or notification effected by publication in the Federal Gazette <sup>1570</sup>
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	if source work is intended for instructional use in schools, person entitled has to give consent  if source works are musical works, collection must be intended for use in musical instruction in schools which are not schools of music <sup>1571</sup>  author may forbid exploitation if work no longer reflects his conviction and can therefore no longer be reasonably expected to agree to exploitation of work and has for that reason revoked any existing exploitation right <sup>1572</sup>
Subject to Attribution	source (if required by customary practice), author (unless not possible) <sup>1573</sup>
Subject to Remuneration	equitable remuneration to be paid to author <sup>1574</sup>
Provision	Art. 52(1)
Scope of broadcast/communication/recording	communicate to the public <sup>1575</sup>
Type(s) of source work(s)	a published work
Entity exercising broadcast/communication/recording	

<sup>1570</sup> Art. 46(3).

<sup>1571</sup> Art. 46(2).

<sup>1572</sup> Art. 46(5).

<sup>1573</sup> Art. 63(2).

<sup>1574</sup> Art. 46(4).

<sup>1575</sup> Art. 15(2) (defining "communicate to the public" as comprising the right of making available the work available to the public (Art 19a), the right of broadcasting (Art. 20), the right of communication by video or audio recordings (Art. 21) and the right of communication of broadcasts and of works made available to the public (Art. 22)).

Purpose of broadcast/communication/recording	non-profit-making purpose for the organizer
Condition of broadcast/communication/recording	participants are admitted free of charge  in the case of a lecture or performance of a work, if none of the performers is paid a special remuneration
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	public stage performances only permissible with consent of rightholder <sup>1576</sup>
Subject to Attribution	
Subject to Remuneration	equitable remuneration shall be paid for the communication, but not for school events school events insofar as they are only available to a specific, limited group of persons on account of their social or educational purpose, but not where the event serves the profit-making purpose of a third party (third party to pay remuneration)

Provision	Art. 52a(1).1
Scope of broadcast/communication/recording	make available to the public, <sup>1577</sup> and copies needed for making the work available to the public <sup>1578</sup>
Type(s) of source work(s)	published small, limited parts of a work, small scale works, individual articles from newspapers or periodicals
Entity exercising broadcast/communication/recording	schools, universities, non-commercial institutions of education and further education, and at vocational training institutions
Purpose of broadcast/communication/recording	for illustration in teaching
Condition of broadcast/communication/recording	exclusively for the specifically limited circle of those taking part in the instruction  justified for the pursuit of non-commercial aims  consent of copyright owner required where work is intended for use in instruction in schools, or work is cinematographic work to be made available in territory to which this Act applies, before the expiration of two years from the beginning of normal regular utilization in film theatres <sup>1579</sup>
Frequency/limits of broadcast/communication/recording	to the extent that this is necessary for the respective purpose

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<sup>1576</sup> Art. 52(3).

<sup>1577</sup> Art. 19a (defining the right of making available the work available to the public), which is one of the rights included in the right of communication to the public as defined in Art. 15(2).

<sup>1578</sup> Art. 52a(3).

<sup>1579</sup> Art. 52a(2).

Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	equitable remuneration shall be paid for making works available to the public, through a collecting society <sup>1580</sup>
Provision	Art. 52a(1).2
Scope of broadcast/communication/recording	make available to the public, <sup>1581</sup> and copies needed for making the work available to the public, <sup>1582</sup> exclusively for a specifically limited circle of persons
Type(s) of source work(s)	published limited parts of a work, small scale works, as well as individual articles from newspapers or periodicals
Entity exercising broadcast/communication/recording	persons
Purpose of broadcast/communication/recording	for their personal scientific research
Condition of broadcast/communication/recording	justified for the pursuit of non-commercial aims  consent of copyright owner required where work is cinematographic work to be made available in territory to which this Act applies, before the expiration of two years from the beginning of normal regular utilization in film theatres <sup>1583</sup>
Frequency/limits of broadcast/communication/recording	to the extent that this is necessary for the respective purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	equitable remuneration shall be paid for making works available to the public, through a collecting society <sup>1584</sup>
Provision	Art. 47
Scope of broadcast/communication/recording	transferring to video or audio recording media to make individual copies
Type(s) of source work(s)	works
Entity exercising broadcast/communication/recording	schools, teacher training and further training institutions
Purpose of broadcast/communication/recording	used as part of a school broadcast  video or audio recording media may only be used for teaching purposes
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	media must be deleted at the latest at the end of academic year following transmission of school

<sup>1580</sup> Art. 52a(4).<sup>1581</sup> Art. 19a (defining the right of making available the work available to the public), which is one of the rights included in the right of communication to the public as defined in Art. 15(2).<sup>1582</sup> Art. 52a(3).<sup>1583</sup> Art. 52a(2).<sup>1584</sup> Art. 52a(4).

	broadcast, unless author has been paid equitable remuneration
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("may make"), unless media is not deleted (see above)

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 95b
Scope of TPM/RMI restriction	require rightholder who applied technological measures in respect of his work/subject-matter to be obliged to provide for the "beneficiaries" who have legal access to work/subject-matter <sup>1585</sup>
Type(s) of source work(s)	work/subject-matter (but not applicable to works/subject-matter available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them <sup>1586</sup> )
Beneficiary exercising restriction	"beneficiaries": users who benefit from, <i>inter alia</i> , collections for school or instructional use (Art. 46), school broadcasts (Art. 47), reproduction for private and other personal uses (Art. 53(1), (2) first sentence, items 1, 2, 3 and 4, (3))
Purpose of restriction	to provide beneficiary the means of benefiting from the exceptions to the necessary extent
Condition of restriction	

10. Other Limitations/Exceptions

Provision	Art. 69g
Scope of other limitation/exception	contractual provisions contrary to Article 69d (2) and (3) (backup copy of computer program, right to observe, study or test functioning of program) and Article 69e (decompilation of computer program) shall be null and void
Type(s) of source work(s)	computer program
Entity entitled to limitation/exception	
Purpose of limitation/exception	
Condition of limitation/exception	
Frequency/copies and limits	

<sup>1585</sup> Art. 95b(4) (providing that technological measures applied to meet these obligations enjoy legal protection as effective technological measures).

<sup>1586</sup> Art. 95b(3) proviso, taken from EU Copyright Directive 2001/29, Art. 6(4).



Preclusions (not part of limitation/exception)	
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## Ghana

### 1. Treaties & Legislation

Treaties:

Berne Convention: October 11, 1991 (Paris Act (1971): October 11, 1991)

WIPO Copyright Treaty: November 18, 2006

WIPO Performances and Phonograms Treaty: February 16, 2013

Legislation:

Copyright Act, 2005 (Act 690)

### 2. Private/Personal Use

Provision	ss 19(1)(a), 35(e)
Scope of private/personal use	reproduction, translation, adaptation, arrangement or other transformation
Type(s) of source work(s)	a literary or artistic work, either in the original language or in translation, and work has been made public, and a performance or broadcast <sup>1587</sup>
Entity exercising private/personal use	an individual
Purpose of private/personal use	exclusive personal use of a person
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture, reprography of whole or substantial part of book or musical notation, whole or substantial part of a digital database, computer program <sup>1588</sup>
Subject to Attribution	
Subject to Remuneration	levy payable by producer/importer on any device capable of being used to copy a copyright work, to be collected by Customs, Excise and Preventive Service, for distribution to rightsholders; <sup>1589</sup> otherwise not required ("not be an infringement of the right of the author")

Provision	s 35(a)
Scope of private/personal use	private use
Type(s) of source work(s)	a performance or broadcast <sup>1590</sup>
Entity exercising private/personal use	
Purpose of private/personal use	
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	

<sup>1587</sup> S 35(e) (applying limitations and exceptions in ss 19 to 23 to performances and broadcasts).

<sup>1588</sup> S 19(2) (subjecting s 19(1)(a) to preclusions).

<sup>1589</sup> S 27 (providing for levy on devices used for reproducing copyright materials).

<sup>1590</sup> S 35 (referring to provisions of ss 28, 33 which shall not apply to the enumerated limitations or exceptions).

Subject to Attribution	
Subject to Remuneration	levy payable by producer/importer on any device capable of being used to copy a copyright work, to be collected by Customs, Excise and Preventive Service, for distribution to rightsholders; <sup>1591</sup> otherwise not required ("[neighbouring rights] provisions ... shall not apply")

### 3. Quotations

Provision	ss 19(1)(b), 35(e)
Scope of quotation	inclusion of quotations in another work
Type(s) of source work(s)	a literary or artistic work, either in the original language or in translation,, including quotations from articles in newspapers or periodicals in the form of press summaries, and a performance or broadcast <sup>1592</sup>  work has been made public
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotations are compatible with fair practice <sup>1593</sup>  extent of quotations does not exceed what is justified for the purpose of the work in which the quotations are used <sup>1594</sup>
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("not be an infringement")

Provision	s 35(d)
Scope of quotation	quotations
Type(s) of source work(s)	short excerpts of a performance, sound recording, audio- visual work or broadcast
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	compatible with fair practice and  justified by the informative purpose of those quotations
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] provisions ... shall not apply")

<sup>1591</sup> S 27 (providing for levy on devices used for reproducing copyright materials).

<sup>1592</sup> S 35(e) (applying limitations and exceptions in ss 19 to 23 to performances and broadcasts).

<sup>1593</sup> S 19(3). cf. s 19(1)(b) (subjecting it to s 19(2) [sic], when it should be s 19(3)).

<sup>1594</sup> S 19(3). cf. s 19(1)(b) (subjecting it to s 19(2) [sic], when it should be s 19(3)).

**4. Research/Educational Reproduction**

Provision	ss 19(1)(c)(iii), 35(e)
Scope of research/educational reproduction	utilization
Type(s) of source work(s)	a literary or artistic work, either in the original language or in translation, if made public, and a performance or broadcast <sup>1595</sup>
Entity exercising reproduction	
Purpose of educational reproduction	professional training or public education
Condition of reproduction	use is compatible with fair practice <sup>1596</sup>
Frequency/copies and limits	to the extent justified for the purposes
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author <sup>1597</sup>
Subject to Remuneration	levy payable by producer/importer on any device capable of being used to copy a copyright work, to be collected by Customs, Excise and Preventive Service, for distribution to rightsholders; <sup>1598</sup> otherwise not required ("not be an infringement", "[neighbouring rights] provisions ... shall not apply")

**5. Educational Publications/Anthologies/Compilations/Composite Works**

Provision	ss 19(1)(c)(i), 35(e)
Scope of anthologies/compilations limitation/exception	utilization, by way of illustration in publications, broadcasts of sound or visual recordings
Type(s) of source work(s)	a literary or artistic work, either in the original language or in translation, if made public, and a performance or broadcast <sup>1599</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	teaching
Condition of anthologies/compilations limitation/exception	use is compatible with fair practice <sup>1600</sup>
Frequency/copies and limits	to the extent justified for the purposes
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author <sup>1601</sup>
Subject to Remuneration	levy payable by producer/importer on any device capable of being used to copy a copyright work, to be collected by Customs,

<sup>1595</sup> S 35(e) (applying limitations and exceptions in ss 19 to 23 to performances and broadcasts).

<sup>1596</sup> S 19(4). cf. 19(1)(c) (subjecting it to s 19(3) [sic], when it should be s 19(4)).

<sup>1597</sup> S 19(4). cf. 19(1)(c) (subjecting it to s 19(3) [sic], when it should be s 19(4)).

<sup>1598</sup> S 27 (providing for levy on devices used for reproducing copyright materials).

<sup>1599</sup> S 35(e) (applying limitations and exceptions in ss 19 to 23 to performances and broadcasts).

<sup>1600</sup> S 19(4). cf. 19(1)(c) (subjecting it to s 19(3) [sic], when it should be s 19(4)).

<sup>1601</sup> S 19(4). cf. 19(1)(c) (subjecting it to s 19(3) [sic], when it should be s 19(4)).

	Excise and Preventive Service, for distribution to rightsholders; <sup>1602</sup> otherwise not required ("not be an infringement", "[neighbouring rights] provisions ... shall not apply")
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## 6. School Performances

Provision	s 35(c)
Scope of school performance	[use]
Type(s) of source work(s)	a performance or broadcast <sup>1603</sup>
Entity exercising school performance	
Purpose of school performance	teaching or scientific research
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	levy payable by producer/importer on any device capable of being used to copy a copyright work, to be collected by Customs, Excise and Preventive Service, for distribution to rightsholders; <sup>1604</sup> otherwise not required ("[neighbouring rights] provisions ... shall not apply")

## 7. Educational Broadcasts/Communications/Recordings

Provision	s 35(c)
Scope of broadcast/communication/recording	[use]
Type(s) of source work(s)	a performance or broadcast <sup>1605</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching or scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	levy payable by producer/importer on any device capable of being used to copy a copyright work, to be collected by Customs, Excise and Preventive Service, for distribution to rightsholders; <sup>1606</sup> otherwise not required

<sup>1602</sup> S 27 (providing for levy on devices used for reproducing copyright materials).

<sup>1603</sup> S 35 (referring to provisions of ss 28, 33 which shall not apply to the enumerated limitations or exceptions).

<sup>1604</sup> S 27 (providing for levy on devices used for reproducing copyright materials).

<sup>1605</sup> S 35 (referring to provisions of ss 28, 33 which shall not apply to the enumerated limitations or exceptions).

<sup>1606</sup> S 27 (providing for levy on devices used for reproducing copyright materials).

	("[neighbouring rights] provisions ... shall not apply")
Provision	ss 19(1)(c)(ii), 35(e)
Scope of broadcast/communication/recording	"communication" <sup>1607</sup> by broadcast
Type(s) of source work(s)	a literary or artistic work, either in the original language or in translation,, if made public, and a performance or broadcast <sup>1608</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	use in educational institutions
Condition of broadcast/communication/recording	use is compatible with fair practice <sup>1609</sup>
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author <sup>1610</sup>
Subject to Remuneration	levy payable by producer/importer on any device capable of being used to copy a copyright work, to be collected by Customs, Excise and Preventive Service, for distribution to rightsholders; <sup>1611</sup> otherwise not required ("not be an infringement", "[neighbouring rights] provisions ... shall not apply")

Provision	ss 19(1)(c)(i), 35(e)
Scope of broadcast/communication/recording	utilization, by way of illustration in publications, broadcasts of sound or visual recordings
Type(s) of source work(s)	a literary or artistic work, either in the original language or in translation,, if made public, and a performance or broadcast <sup>1612</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching
Condition of broadcast/communication/recording	use is compatible with fair practice <sup>1613</sup>
Frequency/limits of broadcast/communication/recording	to the extent justified for the purposes

<sup>1607</sup> S 76 (defining "communication to the public" as a transmission, other than broadcasting, by wire or without wire, in such a way that the images or sounds can be perceived by persons outside the normal circle of a family and its closest social acquaintances at a place or places so distant from the place where the transmission originates that without the transmission, the images or sounds would not be perceivable irrespective of whether the person can receive images or sounds at the same place and time, or at different places or times individually chosen by them).

<sup>1608</sup> S 35(e) (applying limitations and exceptions in ss 19 to 23 to performances and broadcasts).

<sup>1609</sup> S 19(4). cf. 19(1)(c) (subjecting it to s 19(3) [sic], when it should be s 19(4)).

<sup>1610</sup> S 19(4). cf. 19(1)(c) (subjecting it to s 19(3) [sic], when it should be s 19(4)).

<sup>1611</sup> S 27 (providing for levy on devices used for reproducing copyright materials).

<sup>1612</sup> S 35(e) (applying limitations and exceptions in ss 19 to 23 to performances and broadcasts).

<sup>1613</sup> S 19(4). cf. 19(1)(c) (subjecting it to s 19(3) [sic], when it should be s 19(4)).

Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author <sup>1614</sup>
Subject to Remuneration	levy payable by producer/importer on any device capable of being used to copy a copyright work, to be collected by Customs, Excise and Preventive Service, for distribution to rightsholders; <sup>1615</sup> otherwise not required ("not be an infringement", "[neighbouring rights] provisions ... shall not apply")

Provision	ss 19(1)(c)(iii), 35(e)
Scope of broadcast/communication/recording	utilization
Type(s) of source work(s)	a literary or artistic work, either in the original language or in translation,, if made public, and a performance or broadcast <sup>1616</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	professional training or public education
Condition of broadcast/communication/recording	use is compatible with fair practice <sup>1617</sup>
Frequency/limits of broadcast/communication/recording	to the extent justified for the purposes
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author <sup>1618</sup>
Subject to Remuneration	levy payable by producer/importer on any device capable of being used to copy a copyright work, to be collected by Customs, Excise and Preventive Service, for distribution to rightsholders; <sup>1619</sup> otherwise not required ("not be an infringement", "[neighbouring rights] provisions ... shall not apply")

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

<sup>1614</sup> S 19(4). cf. 19(1)(c) (subjecting it to s 19(3) [sic], when it should be s 19(4)).

<sup>1615</sup> S 27 (providing for levy on devices used for reproducing copyright materials).

<sup>1616</sup> S 35(e) (applying limitations and exceptions in ss 19 to 23 to performances and broadcasts).

<sup>1617</sup> S 19(4). cf. 19(1)(c) (subjecting it to s 19(3) [sic], when it should be s 19(4)).

<sup>1618</sup> S 19(4). cf. 19(1)(c) (subjecting it to s 19(3) [sic], when it should be s 19(4)).

<sup>1619</sup> S 27 (providing for levy on devices used for reproducing copyright materials).

## Greece

### 1. Treaties & Legislation

Treaties:

Berne Convention: November 9, 1920 (Paris Act (1971): March 8, 1976)

WIPO Copyright Treaty: March 14, 2010

WIPO Performances and Phonograms Treaty: March 14, 2010

Legislation:

Law No. 2121/1993 on Copyright, Related Rights and Cultural Matters (as amended up to Law No. 4281/2014)

### 2. Private/Personal Use

Provision	Art. 18
Scope of private/personal use	reproduction
Type(s) of source work(s)	a lawfully published work, (performance, phonogram, broadcast, printed matter) <sup>1620</sup>
Entity exercising private/personal use	a person
Purpose of private/personal use	own private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	“private use” shall not include use by an enterprise, a service or an organization <sup>1621</sup>  where “is likely to conflict with normal exploitation of the work or to prejudice the author’s legitimate interests” <sup>1622</sup> , including: works of architecture, using technical means to reproduce a fine art work which has limited circulation, reproduction of musical notation
Subject to Attribution	
Subject to Remuneration	equitable remuneration as levy on recording equipment for sound/image, computer peripherals (not printers) used solely for digital reproduction or transcription to/from analogue media, magnetic/optical tapes/media/devices for reproduction of sound/image, photocopy machines, photocopy paper, payable by importers/producers, collected by CMOs, due to creator and beneficiaries of related rights <sup>1623</sup>

### 3. Quotations

Provision	Art. 19
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<sup>1620</sup> Art. 52(b) (extending the limitations applicable to economic rights to related rights mutatis mutandis).

<sup>1621</sup> Art. 18(1).

<sup>1622</sup> Art. 18(2). See also Art. 28C (applicable to all Section IV limitations).

<sup>1623</sup> Art. 18(3). More details about the remuneration are spelt out in Art. 18(4)-(12).



Scope of quotation	quotation
Type(s) of source work(s)	short extracts from a lawfully published work, (performance, phonogram, broadcast, printed matter) <sup>1624</sup>
Entity exercising quotation	
Purpose of quotation	providing support for a case advanced by the person making the quotation or a critique of the position of the author
Condition of quotation	quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose
Preclusions (not part of quotation)	only in certain special cases which do not conflict with a normal exploitation of the work or other protected subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder <sup>1625</sup>
Subject to Attribution	source, author, publisher (if names indicated on source)
Subject to Remuneration	not required ("without payment")

#### 4. Research/Educational Reproduction

Provision	Art. 21
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	articles lawfully published in a newspaper or periodical, short extracts of a work or parts of a short work or a lawfully published work of fine art work, (performance, phonogram, broadcast, printed matter) <sup>1626</sup>
Entity exercising reproduction	
Purpose of educational reproduction	exclusively for teaching or examination purposes at an educational establishment
Condition of reproduction	in such measure as is compatible with the aforementioned purpose
Frequency/copies and limits	reproduction is effected in accordance with fair practice
Preclusions (not part of research/educational reproduction)	reproduction does not conflict with the normal exploitation <sup>1627</sup>
Subject to Attribution	source, author, publisher (if names indicated on source)
Subject to Remuneration	not required ("without payment")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 20(1)
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<sup>1624</sup> Art. 52(b) (extending the limitations applicable to economic rights to related rights mutatis mutandis).

<sup>1625</sup> Art. 28C (applicable to all Section IV limitations).

<sup>1626</sup> Art. 52(b) (extending the limitations applicable to economic rights to related rights mutatis mutandis).

<sup>1627</sup> See also Art. 28C.

Scope of anthologies/compilations limitation/exception	reproduction in educational textbooks
Type(s) of source work(s)	lawfully published literary works, (performances, phonograms, broadcasts, printed matter) <sup>1628</sup> of one or more writers
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	textbooks approved for use in primary and secondary education by the Ministry of National Education and Religions or another competent ministry, according to the official detailed syllabus
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	reproduction shall encompass only a small part of the total output of each of the writers
Preclusions (not part of anthologies/compilations limitation/exception)	reproduction shall not conflict with the normal exploitation of the work from which the texts are taken <sup>1629</sup>
Subject to Attribution	source, author, publisher (if names indicated on source) <sup>1630</sup>
Subject to Remuneration	not required ("without payment")

Provision	Art. 20(2)
Scope of anthologies/compilations limitation/exception	reproduction in lawfully published anthology of literary works of more than one writer
Type(s) of source work(s)	lawfully published literary works, (performances, phonograms, broadcasts, printed matter) <sup>1631</sup> of one or more writers/authors
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	
Condition of anthologies/compilations limitation/exception	after death of writer/author
Frequency/copies and limits	reproduction shall encompass only a small part of the total output of each of the writers
Preclusions (not part of anthologies/compilations limitation/exception)	reproduction shall not conflict with the normal exploitation of the work from which the texts are taken <sup>1632</sup>
Subject to Attribution	source, author, publisher (if names indicated on source) <sup>1633</sup>
Subject to Remuneration	not required ("without payment")

## 6. School Performances

<sup>1628</sup> Art. 52(b) (extending the limitations applicable to economic rights to related rights mutatis mutandis).

<sup>1629</sup> Art. 18(3). See also Art. 28C.

<sup>1630</sup> Art. 20(3).

<sup>1631</sup> Art. 52(b) (extending the limitations applicable to economic rights to related rights mutatis mutandis).

<sup>1632</sup> Art. 18(3). See also Art. 28C.

<sup>1633</sup> Art. 20(3).

Provision	Art. 27(b)
Scope of school performance	public performance or presentation
Type(s) of source work(s)	a work, (performance, phonogram, broadcast, printed matter) <sup>1634</sup>
Entity exercising school performance	at an educational establishment
Purpose of school performance	within the framework of staff and pupil or student activities
Condition of school performance	audience is composed exclusively of the aforementioned persons, the parents of the pupils or students, persons responsible for the care of the pupils or students, or persons directly involved in the activities of the establishment
Preclusions (not part of school performance)	only in certain special cases which do not conflict with a normal exploitation of the work or other protected subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder <sup>1635</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without payment")

7. Educational Broadcasts/Communications/Recordings8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 66A(5)
Scope of TPM/RMI restriction	exception to require rightholder who used effective technological measures in respect of his work to take voluntary measures to ensure for the "beneficiaries" the benefit of the exception
Type(s) of source work(s)	work/subject-matter (but not applicable to works/subject-matter available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them <sup>1636</sup> )
Beneficiary exercising restriction	users who reproduce work/subject-matter for, <i>inter alia</i> , private use (Art. 18), for teaching purposes (Art. 21)
Purpose of restriction	to the extent necessary and to have legal access to the protected work or subject-matter
Condition of restriction	

<sup>1634</sup> Art. 52(b) (extending the limitations applicable to economic rights to related rights *mutatis mutandis*).

<sup>1635</sup> Art. 28C (applicable to all Section IV limitations).

<sup>1636</sup> Art. 66A(5) proviso, taken from EU Copyright Directive 2001/29, Art. 6(4).

## Grenada

### 1. Treaties & Legislation

Treaties:

Berne Convention: September 22, 1998 (Paris Act (1971): September 22, 1998)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act (Cap 67, Act No. 21 of 2011)

### 2. Private/Personal Use

Provision	s 9
Scope of private/personal use	private reproduction
Type(s) of source work(s)	a published work
Entity exercising private/personal use	a natural person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a database, computer program <sup>1637</sup> , any work where "reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the owner of copyright"
Subject to Attribution	
Subject to Remuneration	not required ("without the authorisation of the owner")

Provision	s 27(1)(a)
Scope of private/personal use	use
Type(s) of source work(s)	a performance, sound recording or broadcast
Entity exercising private/personal use	a natural person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	reproduction of any performance, sound recording or broadcast, in cases where reproduction would conflict with a normal exploitation of the performance, sound recording, or broadcast, or would otherwise unreasonably prejudice the legitimate interests of the owner of neighbouring rights
Subject to Attribution	

<sup>1637</sup> S 17 (excepting use of the computer program and for backup/archival purposes).

Subject to Remuneration	not required ("[neighbouring rights] shall not apply")
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### 3. Quotations

Provision	s 10
Scope of quotation	reproduction
Type(s) of source work(s)	a short part of a published work, (a performance, sound recording, broadcast) <sup>1638</sup>
Entity exercising quotation	
Purpose of quotation	in the form of quotation
Condition of quotation	reproduction is compatible with fair practice reproduction does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("permitted without authorisation")

### 4. Research/Educational Reproduction

Provision	s 11(1)(a)
Scope of research/educational reproduction	utilisation by way of illustration
Type(s) of source work(s)	a work that has lawfully been made available to the public, in publications, broadcasting or sound or visual recordings
Entity exercising reproduction	
Purpose of educational reproduction	teaching, or scientific research purposes
Condition of reproduction	utilisation is compatible with fair practice
Frequency/copies and limits	does not exceed the extent justified by the purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if indicated on source) on all copies or in reasonable connection with work
Subject to Remuneration	not required ("permitted without authorisation of the author, or other owner")

Provision	s 11(1)(b)
Scope of research/educational reproduction	reprographic copies <sup>1639</sup>
Type(s) of source work(s)	published articles, other short works or short extracts of works
Entity exercising reproduction	
Purpose of educational reproduction	face-to-face teaching in educational institutions

<sup>1638</sup> S 27(1)(d) (applying limitations and exceptions in Part II to neighbouring rights).

<sup>1639</sup> S 2(1) (defining "reprographic process" as a process (a) for making facsimile copies, or (b) involving the use of an appliance for making multiple copies, and, in relation to a work held in electronic form, includes any copying by electronic means, but does not include the making of a film or sound recording).

Condition of reproduction	activities of which do not serve direct or indirect commercial gain  no copying if collective licences are available authorizing copying and educational institution knows or ought to have been aware of licences
Frequency/copies and limits	extent justified by the purpose  reproduction of any particular work is an isolated act occurring, if repeated, on separate and unrelated occasions  no more than a single copy for each pupil or student and the teacher is made
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if indicated on source) on all copies or in reasonable connection with work
Subject to Remuneration	not required ("permitted without authorisation of the author, or other owner")

5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances

Provision	s 27(1)(c)
Scope of school performance	use
Type(s) of source work(s)	a performance, sound recording, broadcast
Entity exercising school performance	
Purpose of school performance	solely for the purpose of face-to-face teaching activities or for scientific research
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

7. Educational Broadcasts/Communications/Recordings

Provision	s 11(1)(a)
Scope of broadcast/communication/recording	utilisation by way of illustration, by making available of such works in computer networks
Type(s) of source work(s)	a work that has lawfully been made available to the public, in publications, broadcasting or sound or visual recordings
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching, or scientific research purposes

Condition of broadcast/communication/recording	utilisation is compatible with fair practice
Frequency/limits of broadcast/communication/recording	access to the works is only available to enrolled pupils or students and their teachers  does not exceed the extent justified by the purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if indicated on source) on all copies or in reasonable connection with work
Subject to Remuneration	not required ("permitted without authorisation of the author, or other owner")
Provision	s 27(1)(c)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	a performance, sound recording, broadcast
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	solely for the purpose of face-to-face teaching activities or for scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

Provision	s 46(2)
Scope of TPM/RMI restriction	require rightholder who used effective technological measures in respect of his work to take necessary means to ensure that "beneficiary" may enjoy or apply the exception or limitation
Type(s) of source work(s)	work/subject-matter (but not applicable to works/subject-matter available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them <sup>1640</sup> )
Beneficiary exercising restriction	"beneficiary": users who reproduce work/subject-matter for, <i>inter alia</i> , private use (s 9), quotations (s 10), educational reproduction (s 11)

<sup>1640</sup> S 46(3).

Purpose of restriction	to the extent required
Condition of restriction	



## Guatemala

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 28, 1997 (Paris Act (1971): July 28, 1997)

WIPO Copyright Treaty: February 4, 2003

WIPO Performances and Phonograms Treaty: January 8, 2003

Legislation:

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

### 2. Private/Personal Use

Provision	Art. 63(a)
Scope of private/personal use	communication
Type(s) of source work(s)	a work
Entity exercising private/personal use	
Purpose of private/personal use	conducted in an exclusively domestic environment
Condition of private/personal use	no interest, economic, direct or indirect  communication be not deliberately disseminated to exterior, in whole or in part, by any means
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("without ... any remuneration")

Provision	Art. 64(d)
Scope of private/personal use	reproduction
Type(s) of source work(s)	a work of art exhibited permanently in public or on the exterior facade of buildings
Entity exercising private/personal use	
Purpose of private/personal use	personal use
Condition of private/personal use	"executed by an art [sic] that is places [sic] different from that used for the preparation of the original"
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	title, author (if reproduction dealt with), place where work of art is
Subject to Remuneration	not required ("without authorization [of] author")

### 3. Quotations

Provision	Art. 66(d)
Scope of quotation	include in one's own work
Type(s) of source work(s)	fragments of other nature written, audio or audiovisual and works of plastic character, photographic or similar; works which have already been disclosed
Entity exercising quotation	
Purpose of quotation	in the form of quotation
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated)
Subject to Remuneration	not required ("without payment of remuneration")

#### 4. Research/Educational Reproduction

Provision	Art. 64(a)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	articles or brief excerpts from works lawfully published
Entity exercising reproduction	educational institutions
Purpose of educational reproduction	teaching or conducting examinations
Condition of reproduction	no profit
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	such use does not interfere with the normal exploitation of the work or prejudice the legitimate interests of the author
Subject to Attribution	
Subject to Remuneration	not required ("without authorization")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 66(d)
Scope of anthologies/compilations limitation/exception	include in one's own work
Type(s) of source work(s)	fragments of other nature written, audio or audiovisual and works of plastic character, photographic or similar; works which have already been disclosed
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for analysis purposes teaching or research
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if indicated)

Subject to Remuneration	not required ("without payment of remuneration")
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6. School Performances

Provision	Art. 63(b)
Scope of school performance	communication <sup>1641</sup>
Type(s) of source work(s)	a work
Entity exercising school performance	an institution of teaching staff and students of that institution
Purpose of school performance	exclusively educational purposes in the course of the activities of an institution of teaching
Condition of school performance	communication not be for profit, direct or indirect  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
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("without ... any remuneration")

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 63(b)
Scope of broadcast/communication/recording	communication <sup>1642</sup>
Type(s) of source work(s)	a work
Entity exercising broadcast/communication/recording	an institution of teaching staff and students of that institution
Purpose of broadcast/communication/recording	exclusively educational purposes in the course of the activities of an institution of teaching
Condition of broadcast/communication/recording	communication not be for profit, direct or indirect
Frequency/limits of broadcast/communication/recording	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
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("without ... any remuneration")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 133 quinquies
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<sup>1641</sup> Art. 21(d)(1) (defining "communication to the public" as including a performance).

<sup>1642</sup> Art. 21(d)(1) (defining "communication to the public" as including a performance).

Scope of TPM/RMI restriction	no civil liability for damages for (a) circumvention of effective technological measures, (b) manufacture, importation, distribution or commercial dealing in devices or provision of services to circumvent effective technological measures, implemented by author, rightholder, performer, producer, to restrict or control access rights to
Type(s) of source work(s)	works, performances, phonograms or other protected materials
Beneficiary exercising restriction	<i>inter alia</i> , educational institution
Purpose of restriction	
Condition of restriction	no intention of engaging in a prohibited activity

Provision	Art. 133 sexties.(a)
Scope of TPM/RMI restriction	non-infringing reverse engineering activities, involving the circumvention of effective technological measures, carried out
Type(s) of source work(s)	a legally obtained copy of a computer program
Beneficiary exercising restriction	person involved in reverse engineering
Purpose of restriction	sole purpose of achieving interoperability of a computer program created independently, with other programs
Condition of restriction	carried out in good faith on particular elements of computer program that the beneficiary did not have at his disposal

Provision	Art. 133 sexties.(b)
Scope of TPM/RMI restriction	conducting research activities on
Type(s) of source work(s)	a legally obtained copy of an interpretation of an unfixed performance or a display of a work, performance or phonogram
Beneficiary exercising restriction	a duly qualified researcher
Purpose of restriction	to the extent necessary to identify and analyze flaws and vulnerabilities of technologies for encoding and decoding information
Condition of restriction	carried out in good faith  researcher has made a good faith effort to obtain authorization for such activities

Provision	Art. 133 septies
Scope of TPM/RMI restriction	no civil liability in damages for (a) removal or alteration of RMI, (b) distribution or importation for distribution, RMI, knowing that it has been removed or altered without authorization, (c) knowing that RMI has been removed or altered without authorization, the distribution, etc. copies of
Type(s) of source work(s)	works, performances or phonograms,

Beneficiary exercising restriction	<i>inter alia</i> , educational institution
Purpose of restriction	
Condition of restriction	no intention of engaging in a prohibited activity

## Guinea

### 1. Treaties & Legislation

Treaties:

Berne Convention: November 20, 1980 (Paris Act (1971): November 20, 1980)

WIPO Copyright Treaty: May 25, 2002

WIPO Performances and Phonograms Treaty: May 25, 2002

Bangui Agreement 1977

Legislation:

Act No. 043/APN/CP of August 9, 1980, adopting Provisions Relating to Copyright and Neighboring Rights

### 2. Private/Personal Use

Provision	Art. 10(ii)
Scope of private/personal use	reproductions, translations and adaptations
Type(s) of source work(s)	a work that has been lawfully made available to the public, (a performance, phonogram or broadcast) <sup>1643</sup>
Entity exercising private/personal use	
Purpose of private/personal use	strictly personal and private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit"/"[acts referred to in neighbouring rights] shall not be subject to ... payment")

Provision	Art. 10(i)(a)
Scope of private/personal use	communications such as performance or broadcasting, in private
Type(s) of source work(s)	a work that has been lawfully made available to the public, (a performance, phonogram or broadcast) <sup>1644</sup>
Entity exercising private/personal use	
Purpose of private/personal use	exclusively within a family circle
Condition of private/personal use	do not give rise to receipts of any kind
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	

<sup>1643</sup> Art. 74(i).

<sup>1644</sup> Art. 74(i).

Subject to Remuneration	not required ("author may not prohibit"/"[acts referred to in neighbouring rights] shall not be subject to ... payment")
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### 3. Quotations

Provision	Art. 11
Scope of quotation	make analyses of and short quotations
Type(s) of source work(s)	a work (in original form or in translation) that has already been lawfully made available to the public, including quotations from newspaper articles and periodicals in the form of press summaries
Entity exercising quotation	
Purpose of quotation	in the form of quotation
Condition of quotation	compatible with fair practice  justified by the scientific, critical, polemic, educational or informative purpose
Preclusions (not part of quotation)	
Subject to Attribution	title, author
Subject to Remuneration	not required ("shall be lawful")
Provision	Art. 74(iv)
Scope of quotation	quotations in the form of short excerpts
Type(s) of source work(s)	a performance, phonogram or broadcast
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	compatible with fair practice  justified by the informative purpose
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("[acts referred to in neighbouring rights] shall not be subject to ... payment")

### 4. Research/Educational Reproduction

Provision	Art. 74(iii)
Scope of research/educational reproduction	use [includes reproduction]
Type(s) of source work(s)	a performance, phonogram or broadcast
Entity exercising reproduction	
Purpose of educational reproduction	solely for the purposes of teaching or scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	reproduction of duplicates of phonograms for exclusive purpose of education or scientific research, made and distributed in Guinea:

	<p>equitable remuneration fixed by tariff laid down by Guinean Copyright Office based on number of duplicates made and distributed, for phonogram producer<sup>1645</sup></p> <p>others: not required ("[acts referred to in neighbouring rights] shall not be subject to ... payment")</p>
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5. Educational Publications/Anthologies/Compilations/Composite Works

6. School Performances

Provision	Art. 10(i)(b)
Scope of school performance	communications such as performance
Type(s) of source work(s)	a work, (a performance, phonogram or broadcast) <sup>1646</sup>
Entity exercising school performance	a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare
Purpose of school performance	strictly educational or scholastic purposes
Condition of school performance	free of charge
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit"/"[acts referred to in neighbouring rights] shall not be subject to ... payment")

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 10(i)(b)
Scope of broadcast/communication/recording	communications such as broadcasting
Type(s) of source work(s)	a work, (a performance, phonogram or broadcast) <sup>1647</sup>
Entity exercising broadcast/communication/recording	a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare
Purpose of broadcast/communication/recording	strictly educational or scholastic purposes
Condition of broadcast/communication/recording	free of charge

<sup>1645</sup> Art. 75.

<sup>1646</sup> Art. 74(i).

<sup>1647</sup> Art. 74(i).



Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit"/"[acts referred to in neighbouring rights] shall not be subject to ... payment")

Provision	Art. 74(iii)
Scope of broadcast/communication/recording	use [includes broadcasting, communication, recording]
Type(s) of source work(s)	a performance, phonogram or broadcast
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	solely for the purposes of teaching or scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("[acts referred to in neighbouring rights] shall not be subject to ... payment")

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 15(i)
Nature of compulsory licence for translation for educational purposes	licence, for translation and publication in printed or analogous forms of reproduction on the territory of the Revolutionary People's Republic of Guinea
Scope of compulsory licence for digital copying and dissemination	probably digital reproduction <sup>1648</sup> probably digital publication <sup>1649</sup> no digital dissemination <sup>1650</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration lapsed as of Oct 10, 1984
Type(s) of source work(s)	foreign works already lawfully made available to the public
Licence applicant/entity	any natural person or legal entity residing on the territory of the Revolutionary People's Republic of Guinea
Purpose of licence	

<sup>1648</sup> The phrase in Art. 15 "in printed or analogous forms of reproduction" clearly qualifies "reproduction" and "publication".

<sup>1649</sup> The phrase in Art. 15 "in printed or analogous forms of reproduction" clearly qualifies "reproduction" and "publication".

<sup>1650</sup> No reference in Art. 15 to "communication of the broadcast work to the public by ... any other process or means" or "performance in public". See Art. 3(b)(ii), (iii).

Condition of licence	subject to, and under the conditions specified in, the Appendix to the Paris Act (1971) of the Berne Convention for the Protection of Literary and Artistic Works  no derogation from the rights conferred on the author by Art. 3 above
Compulsory licence fee(s)	licensee to pay equitable remuneration to author <sup>1651</sup>
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Minister for Higher Education and Scientific Research

Provision	Art. 15(ii)
Nature of compulsory licence for reproduction for educational purposes	licence, for reproduction and publication in printed or analogous forms of reproduction on the territory of the Revolutionary People's Republic of Guinea
Scope of compulsory licence for digital copying and dissemination	digital reproduction <sup>1652</sup> digital publication <sup>1653</sup> no digital dissemination <sup>1654</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration lapsed as of Oct 10, 1984
Type(s) of source work(s)	foreign works already lawfully made available to the public
Licence applicant/entity	any natural person or legal entity residing on the territory of the Revolutionary People's Republic of Guinea
Purpose of licence	
Condition of licence	licenses may not be granted for the publication of literary or scientific works of which a French edition is available abroad unless such publication on the national territory affords good conditions for the desired dissemination  subject to, and under the conditions specified in, the Appendix to the Paris Act (1971) of the Berne Convention for the Protection of Literary and Artistic Works  no derogation from the rights conferred on the author by Art. 3 above

<sup>1651</sup> Art. 16 (failing amicable agreement, the amount shall be determined by the Minister for Higher Education and Scientific Research).

<sup>1652</sup> On the assumption that the phrase "in printed or analogous forms of reproduction" qualifies "reproduction". See also Art. 3(b)(i) (reproduction to be of a work "in any material form ... by all processes that allow it to be indirectly communicated to the public").

<sup>1653</sup> The phrase "in printed or analogous forms of reproduction" qualifies "publication".

<sup>1654</sup> No reference in Art. 15 to "communication of the broadcast work to the public by ... any other process or means" or "performance in public". See Art. 3(b)(ii), (iii).

Compulsory licence fee(s)	licensee to pay equitable remuneration to author <sup>1655</sup>
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Minister for Higher Education and Scientific Research

9. TPM/RMI Exceptions for Educational Purposes

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<sup>1655</sup> Art. 16 (failing amicable agreement, the amount shall be determined by the Minister for Higher Education and Scientific Research).

## Guinea-Bissau

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 22, 1991 (Paris Act (1971): July 22, 1991)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Bangui Agreement 1977

Legislation:

Copyright Code (approved by Decree-Law No. 46.980 of March 28, 1972)

### 2. Private/Personal Use

Provision	Art. 103(2)
Scope of private/personal use	performance
Type(s) of source work(s)	a published work
Entity exercising private/personal use	
Purpose of private/personal use	
Condition of private/personal use	not-for-profit basis and in a family home
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("without his special authorization")

Provision	Art. 63
Scope of private/personal use	reproduction of extracts
Type(s) of source work(s)	works which have not yet fallen into the public domain
Entity exercising private/personal use	those requesting reproduction by public entities, libraries, archives and scientific institutions
Purpose of private/personal use	private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	reproductions may not be used commercially without the consent of the authors
Subject to Attribution	
Subject to Remuneration	not required ("shall be permitted")

### 3. Quotations

Provision	Art. 185(1)
Scope of quotation	transcribe or summarize
Type(s) of source work(s)	extracts of others' works
Entity exercising quotation	authors of any text

Purpose of quotation	in support of their own doctrines or for the purposes of criticism, discussion or teaching
Condition of quotation	extracts are distinguished from their own text and the works from which the transcribed or summarized texts are taken  transcribed or summarized texts may not be so extensive that they prejudice interest in the work cited
Preclusions (not part of quotation)	reproduce the work of another under the "pretext of commentary or annotation", but lawful to refer to chapters, paragraphs or pages of another author's work in one's own separate comments or annotations <sup>1656</sup>
Subject to Attribution	author
Subject to Remuneration	not required ("shall have the right")

#### 4. Research/Educational Reproduction

Provision	Art. 63
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	extracts of works which have not yet fallen into the public domain
Entity exercising reproduction	public entities, libraries, archives and scientific institutions
Purpose of educational reproduction	(entity's own use)
Condition of reproduction	reproductions may not be used commercially without the consent of the authors
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be permitted")

Provision	Art. 151
Scope of research/educational reproduction	reproduction in scientific or educational works
Type(s) of source work(s)	photographs
Entity exercising reproduction	
Purpose of educational reproduction	
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	photographer and year of production (if in original)
Subject to Remuneration	fair compensation payment to author(s)

<sup>1656</sup> Art. 186.

Provision	Art. 183
Scope of research/educational reproduction	any use, including reproduction
Type(s) of source work(s)	lectures delivered by academics, including lectures obtained through stenographic notetaking
Entity exercising reproduction	students
Purpose of educational reproduction	
Condition of reproduction	any use for an audience other than students to require special authorization  lectures may only be published by third parties with author's authorization
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 185(2)
Scope of anthologies/compilations limitation/exception	transcription, in anthologies
Type(s) of source work(s)	extracts or fragments of literary or musical works of others
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for use in schools
Condition of anthologies/compilations limitation/exception	extracts are distinguished from their own text and the works from which the transcribed or summarized texts are taken
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	transcribed or summarized texts may not be so extensive that they prejudice interest in the work cited <sup>1657</sup>
Subject to Attribution	author <sup>1658</sup>
Subject to Remuneration	transcription that exceeds limits: right to fair recompense for author  otherwise: not required ("shall be permitted")

#### 6. School Performances

Provision	Art. 184
Scope of school performance	performance
Type(s) of source work(s)	work included in educational programs or books

<sup>1657</sup> Art. 185(2) refers to the "terms of and within the limits referred to in the preceding paragraph", which is a reference to the terms and limits set out in Art. 185(1).

<sup>1658</sup> *Id.*

Entity exercising school performance	
Purpose of school performance	integrated in teaching
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not be dependent on the authorization of the authors, who shall have no right to remuneration")

7. Educational Broadcasts/Communications/Recordings

8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 164
Nature of compulsory licence for translation for educational purposes	non-exclusive, non-transferable compulsory licence, for translation and publication
Scope of compulsory licence for digital copying and dissemination	probably no digital reproduction <sup>1659</sup> probably no digital publication <sup>1660</sup> probably no digital dissemination <sup>1661</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	a written work published in a foreign language, or a translation already published in Portuguese
Licence applicant/entity	any person
Purpose of licence	
Condition of licence	work has not been previously published by holder of translation rights or authorised person in Portuguese after 7 years from first publication, or if copies of the translated work have been exhausted  title and name of author of original work to be printed on all copies of published translation <sup>1662</sup>  licence applicant has requested and been denied authorization from holder of translation right, or applicant was unable to find such owner, despite due diligence, after notifying the publisher/diplomatic or consular representative of state of holder of translation rights/organization designated by government of that state, and 3 months have lapsed since request <sup>1663</sup>

<sup>1659</sup> No reference to a reproduction or a copy in Art. 164. The reproduction right is an exclusive right set out in Art. 62.1.9 (referring to the exclusive right of "reproduction" as "total or partial reproduction by any means").

<sup>1660</sup> See Art. 62.1.1 (defining "publication" as one "by printing or by any other method, of graphic reproduction"), and not all forms of digital reproductions are graphical reproductions.

<sup>1661</sup> See Art. 62.1.5 (defining only "broadcast by ... any other process of reproduction of signals, sounds or images, ... by wire or wireless means, of the broadcast work, when such communication is carried out by an organization other than the original one").

<sup>1662</sup> Art. 164(5).

<sup>1663</sup> Art. 164(2), (4).

	no licence granted if author has withdrawn copies of work from circulation <sup>1664</sup>
Compulsory licence fee(s)	beneficiary of licence to pay a fair compensation to the right owner <sup>1665</sup>
Price of publication	
Distribution conditions	
Grantor of compulsory licence	courts

9. TPM/RMI Exceptions for Educational Purposes

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<sup>1664</sup> Art. 164(8).

<sup>1665</sup> Art. 165.



## Guyana

### 1. Treaties & Legislation

Treaties:

Berne Convention: October 25, 1994 (Paris Act (1971): October 25, 1994)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act 1956 (4 & 5 Eliz. 2, Cap. 74)

### 2. Private/Personal Use

Provision	ss 6(1), 9(1)
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a literary, dramatic or musical work, (or its adaptation) <sup>1666</sup> , an artistic work
Entity exercising private/personal use	
Purpose of private/personal use	research or private study
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall constitute an infringement of the copyright")

### 3. Quotations

Provision	ss 6(2), 9(2)
Scope of quotation	fair dealing
Type(s) of source work(s)	a literary, dramatic or musical work, (or its adaptation) <sup>1667</sup> or an artistic work
Entity exercising quotation	
Purpose of quotation	purposes of criticism or review, whether of that work or of another work
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	title (or other description), author (unless anonymous or author has agreed otherwise) <sup>1668</sup>
Subject to Remuneration	not required ("shall constitute an infringement of the copyright")

### 4. Research/Educational Reproduction

<sup>1666</sup> S 6(8).

<sup>1667</sup> S 6(8).

<sup>1668</sup> Ss 6(10), 48(1) (defining "sufficient acknowledgment").

Provision	s 41(1)(a)
Scope of research/educational reproduction	reproduction (otherwise than by the use of a "duplicating process" <sup>1669</sup> ) or making of an adaptation
Type(s) of source work(s)	a literary, dramatic, musical or artistic work
Entity exercising reproduction	by a teacher or pupil
Purpose of educational reproduction	in the course of instruction, whether at a school <sup>1670</sup> or elsewhere
Condition of reproduction	
Frequency/copies and limits	reproduction or adaptation shall not be published <sup>1671</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright shall not be taken to be infringed")

Provision	s 41(1)(b)
Scope of research/educational reproduction	reproduction (otherwise than by the use of a duplicating process) or making of an adaptation
Type(s) of source work(s)	a literary, dramatic, musical or artistic work
Entity exercising reproduction	
Purpose of educational reproduction	as part of the questions to be answered in an examination, or in an answer to such a question
Condition of reproduction	
Frequency/copies and limits	reproduction or adaptation shall not be published <sup>1672</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright shall not be taken to be infringed")

## 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 6(6)
Scope of anthologies/compilations limitation/exception	inclusion in a collection
Type(s) of source work(s)	a short passage of a published literary or dramatic work, (or its adaptation) <sup>1673</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for use of schools

<sup>1669</sup> S 41(7) (defining "duplicating process" as any process involving the use of an appliance for producing multiple copies).

<sup>1670</sup> S 41(7) (defining "school" as an entity with the same meaning at that in the Education Act 1944, the Education (Scotland) Act, 1946 and the Education Act (Northern Ireland), 1947 in relation to England and Wales, Scotland and Northern Ireland, but presumably meaning that which is so defined in the laws of Guyana).

<sup>1671</sup> S 41(2).

<sup>1672</sup> S 41(2).

<sup>1673</sup> S 6(8).

Condition of anthologies/compilations limitation/exception	collection is so described in its title and in any publisher's advertisement  [source] work was not published for use of schools  collection consists mainly of material in which no copyright subsists
Frequency/copies and limits	not applicable if, in addition to passage in question, 2 or more excerpts from works by same author <sup>1674</sup> are contained in that collection, or that collection with every similar collection by same publisher within 5 year period <sup>1675</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title (or other description), author (unless anonymous or author has agreed otherwise) <sup>1676</sup>
Subject to Remuneration	not required ("copyright ... is not infringed")

## 6. School Performances

Provision	s 12(7)
Scope of school performance	causing to be heard in public
Type(s) of source work(s)	a sound recording
Entity exercising school performance	a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare
Purpose of school performance	as part of the activities of, or for the benefit of
Condition of school performance	proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement of the copyright")

Provision	s 41(3), (5)
Scope of school performance	performance [of a work] causing to be heard or seen, the sounds or visual images [of a sound recording, cinematograph film, a television broadcast]

<sup>1674</sup> S 6(6) proviso (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion).

<sup>1675</sup> S 6(6).

<sup>1676</sup> Ss 6(10), 48(1) (defining "sufficient acknowledgment").

Type(s) of source work(s)	a literary, dramatic or musical work a sound recording, cinematograph film, a television broadcast
Entity exercising school performance	by a person who is a teacher in, or a pupil in attendance at, the school <sup>1677</sup>
Purpose of school performance	in the course of the activities of a school
Condition of school performance	performance in class, or otherwise in the presence of an audience  audience is limited to persons who are teachers in, or pupils in attendance at, the school, or are otherwise "directly connected" <sup>1678</sup> with the activities of the school
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("performance shall not be taken for the purposes of this Act to be a performance in public")

7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

<sup>1677</sup> S 41(7) (defining "school" as an entity with the same meaning as that in the Education Act 1944, the Education (Scotland) Act, 1946 and the Education Act (Northern Ireland), 1947 in relation to England and Wales, Scotland and Northern Ireland, but presumably meaning that which is so defined in the laws of Guyana).

<sup>1678</sup> S 41(4) (defining "directly connected" as excluding a person who is connected by reason only that he is a parent or guardian of a pupil in attendance at the school).

## Haiti

### 1. Treaties & Legislation

Treaties:

Berne Convention: January 11, 1996 (Paris Act (1971): January 11, 1996)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Decree of January 9, 1968 relating to Copyright in Literary, Scientific and Artistic Works

Decree of October 12, 2005 on the Creation of the Office of Haitian Copyright (BHDA)

### 2. Private/Personal Use

### 3. Quotations

Provision	Art. 32
Scope of quotation	borrowings
Type(s) of source work(s)	works of other persons
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	borrowings [should not be] considerable and damaging
Preclusions (not part of quotation)	
Subject to Attribution	source
Subject to Remuneration	courts enjoy considerable freedom in making appraisalment

### 4. Research/Educational Reproduction

### 5. Educational Publications/Anthologies/Compilations/Composite Works

### 6. School Performances

### 7. Educational Broadcasts/Communications/Recordings

### 8. Compulsory Licences for Educational Reproductions and Translations

### 9. TPM/RMI Exceptions for Educational Purposes

## Holy See

### 1. Treaties & Legislation

Treaties:

Berne Convention: September 12, 1935 (Paris Act (1971): April 24, 1975)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law No. 132 of March 19, 2011 on Copyright and Related Rights, s 2 (transposing Italian legislation on copyright and related rights into the law of Vatican City State)

(all subsequent references to Law No. 633 of April 22, 1941, for the Protection of Copyright and Neighboring Rights (as amended up to Decree-law No. 64 of April 30, 2010) of Italy)

### 2. Private/Personal Use

Provision	Art. 68.1
Scope of private/personal use	reproduction by hand or by means of reproduction
Type(s) of source work(s)	works or of portions of works, (neighbouring rights: phonograms, cinematographic or audiovisual works, broadcasts, performances) <sup>1679</sup>
Entity exercising private/personal use	
Purpose of private/personal use	personal use of the reader
Condition of private/personal use	unsuitable for marketing or disseminating the work in public  any use in competition with the exploitation rights of the author is prohibited <sup>1680</sup>
Frequency/copies and limits	in a single copy  copies made may not be sold
Preclusions (not part of private/personal use)	reproduction of work/other subject matter must not be in conflict with the normal exploitation of works/other subject matter, nor unreasonably prejudice the interests of owners <sup>1681</sup>
Subject to Attribution	
Subject to Remuneration	not required ("shall be permitted")

Provision	Art. 68.3
Scope of private/personal use	reproduction (by photocopy, xerocopia or similar arrangements)

<sup>1679</sup> Art. 71-decies.1.

<sup>1680</sup> Art. 68.6.

<sup>1681</sup> Art. 71-nonies.1.

Type(s) of source work(s)	original works, (neighbouring rights: phonograms, cinematographic or audiovisual works, broadcasts, performances) <sup>1682</sup>
Entity exercising private/personal use	
Purpose of private/personal use	for personal use
Condition of private/personal use	within the limits of the fifteen percent of each book or journal issue, excluding advertising pages
Frequency/copies and limits	copies made may not be sold; any use in competition with the exploitation rights of the author is prohibited <sup>1683</sup>
Preclusions (not part of private/personal use)	reproduction of work/other subject matter must not be in conflict with the normal exploitation of works/other subject matter, nor unreasonably prejudice the interests of owners <sup>1684</sup>
Subject to Attribution	
Subject to Remuneration	fee payable by managers of reproduction centres that make available photocopy or similar reproduction systems (the measure of compensation and mechanism of collection and distribution to be according to Art. 181ter), to publishers of published print works <sup>1685</sup>
Provision	Art. 71-sexies
Scope of private/personal use	reproduction
Type(s) of source work(s)	soundrecording and videograms on any medium, (neighbouring rights: phonograms, cinematographic or audiovisual works, broadcasts, performances) <sup>1686</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	exclusively for personal use
Condition of private/personal use	non-profit and not-for direct or indirect commercial scope  protection of technological measures respected  reproduction cannot be carried out by third parties <sup>1687</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	playback of soundrecordings and videograms by an individual for personal use constitutes reproduction activity <sup>1688</sup>  works or protected materials made available to the public so that everyone can access them from a place and at a time individually chosen,

<sup>1682</sup> Art. 71-decies.1.<sup>1683</sup> Art. 68.6.<sup>1684</sup> Art. 71-nonies.1.<sup>1685</sup> Art. 68.4.<sup>1686</sup> Art. 71-decies.1.<sup>1687</sup> Art. 71sexies.2.<sup>1688</sup> Art. 71sexies.2.

	when the work is protected by technological measures or when access is allowed on the basis of contractual agreements <sup>1689</sup>  reproduction of work/other subject matter must not be in conflict with the normal exploitation of works/other subject matter, nor unreasonably prejudice the interests of owners <sup>1690</sup>
Subject to Attribution	
Subject to Remuneration	compensation for media and equipment exclusively for analog or digital recording of soundrecording or videograms (including multipurpose devices), payable by producer/importer and collected by Italian Society of Authors and Publishers for distribution to authors, producers, publishers and performers <sup>1691</sup>

### 3. Quotations

Provision	Art. 70
Scope of quotation	abridgment, quotation or reproduction, and communication to the public
Type(s) of source work(s)	fragments or parts of a work, (neighbouring rights: phonograms, cinematographic or audiovisual works, broadcasts, performances) <sup>1692</sup>
Entity exercising quotation	
Purpose of quotation	criticism or discussion
Condition of quotation	abridgment, quotation or reproduction of work/other subject matter must not be in conflict with the normal exploitation of works/other subject matter, nor unreasonably prejudice the interests of owners <sup>1693</sup>
Preclusions (not part of quotation)	within the limits justified for such purposes provided that there is no competition with the economic exploitation of the work
Subject to Attribution	title, author, publisher, translator (for translation) (if available) <sup>1694</sup>
Subject to Remuneration	not required ("are free")

### 4. Research/Educational Reproduction

Provision	Art. 70
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<sup>1689</sup> Art. 71sexies.3.

<sup>1690</sup> Art. 71-nonies.1.

<sup>1691</sup> Art. 71-septies. For the allocation distribution, see Art. 710octies.

<sup>1692</sup> Art. 71-decies.1.

<sup>1693</sup> Art. 71-nonies.1.

<sup>1694</sup> Art, 70.3.



Scope of research/educational reproduction	abridgment, quotation or reproduction, and communication to the public
Type(s) of source work(s)	fragments or parts of a work, (neighbouring rights: phonograms, cinematographic or audiovisual works, broadcasts, performances) <sup>1695</sup>
Entity exercising reproduction	
Purpose of educational reproduction	teaching or scientific research
Condition of reproduction	use must also be for illustrative purposes and for non-commercial purposes
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	abridgment, quotation or reproduction of work/other subject matter must not be in conflict with the normal exploitation of works/other subject matter, nor unreasonably prejudice the interests of owners <sup>1696</sup>
Subject to Attribution	title, author, publisher, translator (for translation) (if available) <sup>1697</sup>
Subject to Remuneration	not required ("shall be permitted")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 70.2
Scope of anthologies/compilations limitation/exception	anthologies
Type(s) of source work(s)	works, (neighbouring rights: phonograms, cinematographic or audiovisual works, broadcasts, performances) <sup>1698</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	school use
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	reproduction shall not exceed the extent specified in the regulations
Preclusions (not part of anthologies/compilations limitation/exception)	reproduction of work/other subject matter must not be in conflict with the normal exploitation of works/other subject matter, nor unreasonably prejudice the interests of owners <sup>1699</sup>
Subject to Attribution	title, author, publisher, translator (for translation) (if available) <sup>1700</sup>
Subject to Remuneration	equitable remuneration for such reproduction set out in regulations

<sup>1695</sup> Art. 71-decies.1.

<sup>1696</sup> Art. 71-nonies.1.

<sup>1697</sup> Art. 70.3.

<sup>1698</sup> Art. 71-decies.1.

<sup>1699</sup> Art. 71-nonies.1.

<sup>1700</sup> Art. 70.3.

Provision	Art. 91
Scope of anthologies/compilations limitation/exception	reproduction in anthologies
Type(s) of source work(s)	photographs
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	school use, and in general, in scientific or didactic works
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	reproduction of work/other subject matter must not be in conflict with the normal exploitation of works/other subject matter, nor unreasonably prejudice the interests of owners <sup>1701</sup>
Subject to Attribution	phonographer, year of production (if given on original photograph)
Subject to Remuneration	equitable remuneration as set out in regulations

6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	Art. 70.1bis
Scope of broadcast/communication/recording	publication through the Internet
Type(s) of source work(s)	images and music at low resolution or degraded, (neighbouring rights: phonograms, cinematographic or audiovisual works, broadcasts, performances) <sup>1702</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching or scientific purposes
Condition of broadcast/communication/recording	not for profit
Frequency/limits of broadcast/communication/recording	limits to the use for educational or scientific purposes to be defined by Decree of the Minister for Culture and Heritage
Preclusions (not part of broadcast/communication/recording)	publication of work/other subject matter must not be in conflict with the normal exploitation of works/other subject matter, nor unreasonably prejudice the interests of owners <sup>1703</sup>
Subject to Attribution	title, author, publisher, translator (for translation) (if available) <sup>1704</sup>
Subject to Remuneration	not required ("It is allowed")

<sup>1701</sup> Art. 71-nonies.1.<sup>1702</sup> Art. 71-decies.1.<sup>1703</sup> Art. 71-nonies.1.<sup>1704</sup> Art. 70.3 (assuming that publication through the Internet involves an abridgment, quotation or reproduction).

Provision	Art. 71ter
Scope of broadcast/communication/recording	communicate or make available to identified individuals, on terminals having such a unique function within the premises of publicly accessible libraries, educational establishments, museums and the archives
Type(s) of source work(s)	works, (neighbouring rights: phonograms, cinematographic or audiovisual works, broadcasts, performances) <sup>1705</sup>
Entity exercising broadcast/communication/recording	accessible libraries, educational establishments, museums and the archives
Purpose of broadcast/communication/recording	purpose of research or private study
Condition of broadcast/communication/recording	limited to works or other materials contained in their collections  not subject to constraints arising from acts of sale or license
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	communication/making available of work/other subject matter must not be in conflict with the normal exploitation of works/other subject matter, nor unreasonably prejudice the interests of owners <sup>1706</sup>
Subject to Attribution	
Subject to Remuneration	not required ("It is allowed")

#### 8. Compulsory Licences for Educational Reproductions and Translations

#### 9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 71quinquies.2
Scope of TPM/RMI restriction	rightholder who used technological measures in respect of his work to adopt appropriate solutions, including the conclusion of appropriate agreements with associations representing "beneficiaries" the benefit of certain exceptions
Type(s) of source work(s)	protected works or materials to which beneficiaries have legitimate access for their use, excluding works/materials made available to the public so that everyone can have access to it from the place or at the time chosen individually, when that access takes place on the basis of contractual agreements <sup>1707</sup>
Beneficiary exercising restriction	"beneficiaries": users who reproduce work/materials for, <i>inter alia</i> , personal use (Art.

<sup>1705</sup> Art. 71-decies.1.

<sup>1706</sup> Art. 71-nonies.1.

<sup>1707</sup> Art. 71quinquies.3.

	68), for criticism or discussion, teaching or scientific research (Art. 70.1)
Purpose of restriction	to the extent necessary and to have legal access to the protected work or subject-matter
Condition of restriction	at express request of beneficiaries  subject to payment of fair compensation whenever required

Provision	Art. 71sexies.4
Scope of TPM/RMI restriction	rightholder who used technological measures in respect of his work/material to ensure that natural person as beneficiary can make a private copy for personal use
Type(s) of source work(s)	copy of protected works or materials to which beneficiary has acquired lawful possession or has legitimate access
Beneficiary exercising restriction	"beneficiaries": natural person
Purpose of restriction	making a private copy, even analog, for personal use
Condition of restriction	provided that this does not conflict with a normal exploitation of the work or other subject matter and do not unreasonably prejudice the rightsholders

## Honduras

### 1. Treaties & Legislation

Treaties:

Berne Convention: January 25, 1990 (Paris Act (1971): January 25, 1990)

WIPO Copyright Treaty: May 20, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

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

### 2. Private/Personal Use

Provision	Art. 47
Scope of private/personal use	reproduction
Type(s) of source work(s)	copies of works lawfully acquired
Entity exercising private/personal use	a person
Purpose of private/personal use	personal and exclusive use by this person
Condition of private/personal use	reproduction by his own means
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	reproduction is a special case, does not interfere with the normal exploitation of the work or unreasonably prejudice the legitimate interests of the author
Subject to Attribution	
Subject to Remuneration	not required ("without payment ")
Provision	Art. 48
Scope of private/personal use	photomechanical reproduction such as photocopying and microfilm copies
Type(s) of source work(s)	small parts of a copyrighted work or out-of-print works
Entity exercising private/personal use	
Purpose of private/personal use	for exclusive personal use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("reproductions ... are allowed")

Provision	Art. 51
Scope of private/personal use	reproduction in a single manuscript or mechanical reproduction
Type(s) of source work(s)	an educational or scientific work
Entity exercising private/personal use	a person
Purpose of private/personal use	exclusively made by the person for his own use
Condition of private/personal use	not for profit, directly or indirectly
Frequency/copies and limits	in a single copy

Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("free playback")

Provision	Art. 56
Scope of private/personal use	stage and musical performance
Type(s) of source work(s)	
Entity exercising private/personal use	
Purpose of private/personal use	exclusive benefit of the family circle of the family's guests at parties or gatherings
Condition of private/personal use	carried out in the home
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be free")
Provision	Art. 121.1
Scope of private/personal use	private use
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising private/personal use	
Purpose of private/personal use	
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	special cases which do not conflict with a normal exploitation of the work or cause unreasonable prejudice to the legitimate interests of the author
Subject to Attribution	
Subject to Remuneration	not required ("limitations to the [neighbouring] rights")

Provision	Art. 52
Scope of private/personal use	reproduction
Type(s) of source work(s)	a work of art on permanent display in the streets, squares and other public places
Entity exercising private/personal use	
Purpose of private/personal use	for personal use
Condition of private/personal use	as an art different from that used for the preparation of the original
Frequency/copies and limits	
Preclusions (not part of private/personal use)	buildings (limited to exterior façade)
Subject to Attribution	
Subject to Remuneration	not required ("is lawful")

Provision	Art. 123
Scope of private/personal use	reproduction in a copy made directly

Type(s) of source work(s)	published phonograms or audiovisual work or from broadcasting or other forms of communication
Entity exercising private/personal use	the user
Purpose of private/personal use	private use
Condition of private/personal use	copy made by the user
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be lawful")

3. Quotations4. Research/Educational Reproduction

Provision	Art. 50
Scope of research/educational reproduction	reproduction by reprographic means
Type(s) of source work(s)	articles, conferences, lectures, short passages or small or short works, which have been lawfully published
Entity exercising reproduction	educational organizations
Purpose of educational reproduction	teaching or for the holding of examinations
Condition of reproduction	no profit purposes use is in accordance with fair practice
Frequency/copies and limits	to the extent justified by the purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("is allowed")

Provision	Art. 121.3
Scope of research/educational reproduction	use
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising reproduction	
Purpose of educational reproduction	teaching or scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("limitations to the [neighbouring] rights")

Provision	Art. 123
Scope of research/educational reproduction	reproduction in a copy made directly

Type(s) of source work(s)	published phonograms or audiovisual work or from broadcasting or other forms of communication
Entity exercising reproduction	
Purpose of educational reproduction	for educational, non-profit purposes
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be lawful")

5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances

Provision	Art. 56
Scope of school performance	stage and musical performance
Type(s) of source work(s)	
Entity exercising school performance	teaching establishments
Purpose of school performance	for educational purposes, civic celebrations or social, cultural and sporting activities
Condition of school performance	no profit-making purpose is pursued  no financial compensation of any kind is paid
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be free")

Provision	Art. 121.3
Scope of school performance	use
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising school performance	
Purpose of school performance	teaching or scientific research
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("limitations to the [neighbouring] rights")

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 121.3
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising broadcast/communication/recording	



Purpose of broadcast/communication/recording	teaching or scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("limitations to the [neighbouring] rights")

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 122
Nature of compulsory licence for translation for educational purposes	non-exclusive compulsory licence, for translation of foreign works
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>1708</sup> no digital dissemination <sup>1709</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	
Purpose of licence	in accordance with Arts. 2, 3 of the Annex to the Berne Convention
Condition of licence	
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Administrative Office

Provision	Art. 122
Nature of compulsory licence for reproduction for educational purposes	non-exclusive compulsory licence, for reproduction of foreign works
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>1710</sup> no digital dissemination <sup>1711</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	
Purpose of licence	in accordance with Arts. 2, 3 of the Annex to the Berne Convention

<sup>1708</sup> Art. 9.16 (defining "reproducción" as "La realización por cualquier medio de uno o más ejemplares de una obra, de un fonograma, o de una fijación sonora o audiovisual, total o parcial, permanente o temporal, en cualquier tipo de soporte material, incluyendo cualquier almacenamiento *por medios electrónicos*"), i.e. by electronic means; and publication of the digital reproduction is implied.

<sup>1709</sup> No reference in Art. 122 to the right of radiodifusión (Art. 9.23), retransmisión (Art. 9.24) and transmisión por cable (Art. 9.25), the most proximate rights to the general right of communication to the public.

<sup>1710</sup> Art. 9.16 (defining "reproducción" as "La realización por cualquier medio de uno o más ejemplares de una obra, de un fonograma, o de una fijación sonora o audiovisual, total o parcial, permanente o temporal, en cualquier tipo de soporte material, incluyendo cualquier almacenamiento *por medios electrónicos*"), i.e. by electronic means; and publication of the digital reproduction is implied.

<sup>1711</sup> No reference in Art. 122 to the right of radiodifusión (Art. 9.23), retransmisión (Art. 9.24) and transmisión por cable (Art. 9.25), the most proximate rights to the general right of communication to the public.

Condition of licence	
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Administrative Office

#### 9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 33, Decree 16/06
Scope of TPM/RMI restriction	exemption from damages for breach of prohibitions against circumvention of effective technological measures
Type(s) of source work(s)	work/subject-matter
Beneficiary exercising restriction	<i>inter alia</i> , educational institutions
Purpose of restriction	
Condition of restriction	if they can prove that they did not know and had no reasons to know that activity was forbidden

Provision	Art. 34(a), Decree 16/06
Scope of TPM/RMI restriction	non-infringing reverse engineering activities, involving the circumvention of effective technological measures, carried out
Type(s) of source work(s)	a lawfully obtained copy of a computer program
Beneficiary exercising restriction	person involved in reverse engineering
Purpose of restriction	sole purpose of achieving interoperability of an independently created computer program with other programs
Condition of restriction	carried out in good faith on particular elements of computer program that was not readily available to beneficiary

Provision	Art. 34(a), Decree 16/06
Scope of TPM/RMI restriction	conducting research activities on
Type(s) of source work(s)	a lawfully obtained copy, performance or demo of a work, unfixed performance or phonogram
Beneficiary exercising restriction	an appropriately qualified researcher
Purpose of restriction	to the extent necessary for the sole purpose of identifying and analyzing flaws and vulnerabilities of technologies for encoding and decoding information
Condition of restriction	carried out in good faith  researcher has made a good faith effort to obtain authorization for such activities

Provision	Art. 35, Decree 16/06
Scope of TPM/RMI restriction	access to
Type(s) of source work(s)	a work, performance, or phonogram, not otherwise available to it because of technological measures
Beneficiary exercising restriction	a library, archive, or educational institution

Purpose of restriction	for the sole purpose of making acquisition decisions
Condition of restriction	



## Hungary

### 1. Treaties & Legislation

Treaties:

Berne Convention: February 14, 1922 (Paris Act (1971): December 15, 1972)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

Act No. LXXVI of 1999 on Copyright (consolidated text as of January 1, 2007)

Government Decree No. 117 of 2004 (IV. 28.) Korm. on the Determination of the Manner & Conditions of the Communication & Making Available to the Public in the Case of Free Use Provided for in Article 38(5) of Act LXXVI of 1999 on Copyright

### 2. Private/Personal Use

Provision	Art. 35(1)
Scope of private/personal use	copy
Type(s) of source work(s)	work, (performance, sound recording, radio or television programme, film) <sup>1774</sup> disclosed to the public <sup>1775</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	for private purposes
Condition of private/personal use	not intended for earning or increasing income even in an indirect way
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture, engineering structures, reprographic reproduction of musical notation, a database, a computer program, a fixation of public performance of a work on video or sound carrier  to have work copied by someone else by means of a computer and/or on an electronic data carrier <sup>1776</sup>  use “does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use” <sup>1777</sup>
Subject to Attribution	

<sup>1774</sup> Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights).

<sup>1775</sup> Art. 33(1).

<sup>1776</sup> Art. 35(3).

<sup>1777</sup> Art. 33(2).

Subject to Remuneration	(on the private purpose copying of their works, performances, films and sound recordings) fair and equitable remuneration <sup>1778</sup> payable by manufacturer/importer/carrier of blank video and audio carriers, <sup>1779</sup> and by manufacturer/importer/carrier and operator for consideration of reprographic device, <sup>1780</sup> payable to CMO, and due to authors, performers, producers
Provision	Art. 35(2)
Scope of private/personal use	copying
Type(s) of source work(s)	complete book or whole of periodical or daily (work has been disclosed to the public <sup>1781</sup> ), (performance, sound recording, radio or television programme, film) <sup>1782</sup>
Entity exercising private/personal use	
Purpose of private/personal use	private purpose
Condition of private/personal use	use "does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use" <sup>1783</sup>
Frequency/copies and limits	only by handwriting or typing
Preclusions (not part of private/personal use)	to have work copied by someone else by means of a computer and/or on an electronic data carrier <sup>1784</sup>
Subject to Attribution	
Subject to Remuneration	not required ("may be copied")

### 3. Quotations

Provision	Art. 34(1)
Scope of quotation	cite
Type(s) of source work(s)	any part of a published work (work has been disclosed to the public <sup>1785</sup> ), (performance, sound recording, radio or television programme, film) <sup>1786</sup>
Entity exercising quotation	
Purpose of quotation	

<sup>1778</sup> More details about the remuneration and the reporting requirements are spelt out in Arts. 20-22.

<sup>1779</sup> Art. 20(2).

<sup>1780</sup> Art. 21(1). A reprographic device is defined as a device capable of reproducing books or periodicals "by photocopying or in like manner on paper or on like carrier". *Id.*

<sup>1781</sup> Art. 33(1).

<sup>1782</sup> Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights).

<sup>1783</sup> Art. 33(2).

<sup>1784</sup> Art. 35(3).

<sup>1785</sup> Art. 33(1).

<sup>1786</sup> Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights).

Condition of quotation	citation to be true to original  scope of citation to be justified by nature and purpose of the borrowing work
Preclusions (not part of quotation)	use “does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use” <sup>1787</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("may be cited")

#### 4. Research/Educational Reproduction

Provision	Art. 35(4)(a)
Scope of research/educational reproduction	a copy
Type(s) of source work(s)	a work (has been disclosed to the public <sup>1788</sup> ), (performance, sound recording, radio or television programme, film) <sup>1789</sup>
Entity exercising reproduction	publicly accessible libraries, educational establishments, <sup>1790</sup> museums and archives as well as audio and audiovisual archives
Purpose of educational reproduction	internal institutional purposes and required for scientific research
Condition of reproduction	outside the scope of entrepreneurial activity - not intended for earning or increasing income even in an indirect way  copy is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use” <sup>1791</sup>
Frequency/copies and limits	to the extent and in the way justified by such a purpose
Preclusions (not part of research/educational reproduction)	copy “does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author
Subject to Attribution	
Subject to Remuneration	not required ("shall be allowed")

<sup>1787</sup> Art. 33(2).

<sup>1788</sup> Art. 33(1).

<sup>1789</sup> Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights).

<sup>1790</sup> Art. 33(4) (defining use in “educational establishments” as use taken to serve the purposes of school education implemented in accordance with the requirements of education and with curricula used in kindergarten, primary school, secondary school, industrial school, vocational school education, the primary education of arts, higher education institutions).

<sup>1791</sup> Art. 33(2).

Provision	Art. 35(4)(c)
Scope of research/educational reproduction	a copy
Type(s) of source work(s)	a minor part of a work made public or of an article published in a newspaper or periodical, (performance, sound recording, radio or television programme, film) <sup>1792</sup>
Entity exercising reproduction	publicly accessible libraries, educational establishments, <sup>1793</sup> museums and archives as well as audio and audiovisual archives
Purpose of educational reproduction	internal institutional purposes
Condition of reproduction	outside the scope of entrepreneurial activity - not intended for earning or increasing income even in an indirect way  copy is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use <sup>1794</sup>
Frequency/copies and limits	to the extent and in the way justified by such a purpose
Preclusions (not part of research/educational reproduction)	copy "does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author
Subject to Attribution	
Subject to Remuneration	not required ("shall be allowed")

Provision	Art. 35(5)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a work published as a book, newspaper, periodical article, (performance, sound recording, radio or television programme, film) <sup>1795</sup>
Entity exercising reproduction	
Purpose of educational reproduction	school education or exams in public and higher education
Condition of reproduction	reproduction is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use <sup>1796</sup>
Frequency/copies and limits	specific parts of the work

<sup>1792</sup> Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights).

<sup>1793</sup> Art. 33(4) (defining use in "educational establishments" as use taken to serve the purposes of school education implemented in accordance with the requirements of education and with curricula used in kindergarten, primary school, secondary school, industrial school, vocational school education, the primary education of arts, higher education institutions).

<sup>1794</sup> Art. 33(2).

<sup>1795</sup> Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights).

<sup>1796</sup> Art. 33(2).



	in a number corresponding to the number of pupils in a class/necessary for purpose
Preclusions (not part of research/educational reproduction)	reproduction "does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author
Subject to Attribution	
Subject to Remuneration	not required ("may be reproduced")

Provision	Art. 68(2)
Scope of research/educational reproduction	picture
Type(s) of source work(s)	a fine art, architectural, applied art and industrial design creation, artistic photographs, (performance, sound recording, radio or television programme, film) <sup>1797</sup>
Entity exercising reproduction	
Purpose of educational reproduction	scientific educational lectures as well as school education
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without ... paying remuneration")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 34(2)
Scope of anthologies/compilations limitation/exception	borrowing (using of a work in another work to an extent that goes beyond citation) <sup>1798</sup> for illustration
Type(s) of source work(s)	part of a literary or musical work or such a type of an entire work of a minor volume (has been disclosed to the public <sup>1799</sup> ), (performance, sound recording, radio or television programme, film) <sup>1800</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for teaching and scientific research
Condition of anthologies/compilations limitation/exception	borrowing work is not used for commercial purposes

<sup>1797</sup> Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights).

<sup>1798</sup> Art. 34(2) (defining "borrowing").

<sup>1799</sup> Art. 33(1).

<sup>1800</sup> Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights).

	no author's authorization required where borrowing work qualifies as a textbook/reference book and school education purposes is indicated on its front page <sup>1801</sup>
Frequency/copies and limits	to the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	reproduction "does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use" <sup>1802</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("may be borrowed")

## 6. School Performances

Provision	Art. 38(1)(b)
Scope of school performance	performance
Type(s) of source work(s)	a work (that has been disclosed to the public <sup>1803</sup> ), (performance, sound recording, radio or television programme, film) <sup>1804</sup>
Entity exercising school performance	
Purpose of school performance	school education or at celebrations held at school
Condition of school performance	not designed to earn or increase income even in an indirect manner  participants do not receive remuneration
Preclusions (not part of school performance)	dancing party held at a school is not "performance for purposes of school education" <sup>1805</sup>  performance "does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use" <sup>1806</sup>
Subject to Attribution	
Subject to Remuneration	not required ("works may be performed")

<sup>1801</sup> Art. 34(3).

<sup>1802</sup> Art. 33(2).

<sup>1803</sup> Art. 33(1).

<sup>1804</sup> Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights).

<sup>1805</sup> Art. 38(3).

<sup>1806</sup> Art. 33(2).

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 35(4)(a)
Scope of broadcast/communication/recording	a copy [as a recording]
Type(s) of source work(s)	a work (has been disclosed to the public <sup>1807</sup> ), (performance, sound recording, radio or television programme, film) <sup>1808</sup>
Entity exercising broadcast/communication/recording	publicly accessible libraries, educational establishments, <sup>1809</sup> museums and archives as well as audio and audiovisual archives
Purpose of broadcast/communication/recording	internal institutional purposes and required for scientific research
Condition of broadcast/communication/recording	outside the scope of entrepreneurial activity - not intended for earning or increasing income even in an indirect way
Frequency/limits of broadcast/communication/recording	to the extent and in the way justified by such a purpose
Preclusions (not part of broadcast/communication/recording)	copy "does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use" <sup>1810</sup>
Subject to Attribution	
Subject to Remuneration	not required ("shall be allowed")

Provision	Art. 35(4)(c)
Scope of broadcast/communication/recording	a copy [as a recording]
Type(s) of source work(s)	a minor part of a work made public or of an article published in a newspaper or periodical, (performance, sound recording, radio or television programme, film) <sup>1811</sup>
Entity exercising broadcast/communication/recording	publicly accessible libraries, educational establishments, <sup>1812</sup> museums and archives as well as audio and audiovisual archives

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<sup>1807</sup> Art. 33(1).

<sup>1808</sup> Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights).

<sup>1809</sup> Art. 33(4) (defining use in "educational establishments" as use taken to serve the purposes of school education implemented in accordance with the requirements of education and with curricula used in kindergarten, primary school, secondary school, industrial school, vocational school education, the primary education of arts, higher education institutions).

<sup>1810</sup> Art. 33(2).

<sup>1811</sup> Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights).

<sup>1812</sup> Art. 33(4) (defining use in "educational establishments" as use taken to serve the purposes of school education implemented in accordance with the requirements of education and with curricula used in kindergarten, primary school, secondary school, industrial school, vocational school education, the primary education of arts, higher education institutions).

Purpose of broadcast/communication/recording	internal institutional purposes
Condition of broadcast/communication/recording	outside the scope of entrepreneurial activity - not intended for earning or increasing income even in an indirect way
Frequency/limits of broadcast/communication/recording	to the extent and in the way justified by such a purpose
Preclusions (not part of broadcast/communication/recording)	copy "does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use" <sup>1813</sup>
Subject to Attribution	
Subject to Remuneration	not required ("shall be allowed")

Provision	Art. 35(5)
Scope of broadcast/communication/recording	reproduction [as a recording]
Type(s) of source work(s)	a work published as a book, newspaper, periodical article, (performance, sound recording, radio or television programme, film) <sup>1814</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	school education or exams in public and higher education
Condition of broadcast/communication/recording	specific parts of the work
Frequency/limits of broadcast/communication/recording	in a number corresponding to the number of pupils in a class/necessary for purpose
Preclusions (not part of broadcast/communication/recording)	reproduction "does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use" <sup>1815</sup>
Subject to Attribution	
Subject to Remuneration	not required ("may be reproduced")

Provision	Art. 34(2)
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<sup>1813</sup> Art. 33(2).

<sup>1814</sup> Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights).

<sup>1815</sup> Art. 33(2).

Scope of broadcast/communication/recording	borrowing [as a recording] (using of a work in another work to an extent that goes beyond citation) <sup>1816</sup> for illustration
Type(s) of source work(s)	part of a literary or musical work or such a type of an entire work of a minor volume (has been disclosed to the public <sup>1817</sup> ), (performance, sound recording, radio or television programme, film) <sup>1818</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for teaching and scientific research
Condition of broadcast/communication/recording	borrowing work is not used for commercial purposes  no author's authorization required where borrowing work qualifies as a textbook/reference book and school education purposes is indicated on its front page <sup>1819</sup>
Frequency/limits of broadcast/communication/recording	to the extent justified by the purpose
Preclusions (not part of broadcast/communication/recording)	reproduction "does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use" <sup>1820</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("may be borrowed")
Provision	Art. 38(5)
Scope of broadcast/communication/recording	display, communicate or make available, to individual members of the public on screens of dedicated terminals on the premises of such entities <sup>1821</sup>
Type(s) of source work(s)	works, (performances, sound recordings, radio or television programmes, films) <sup>1822</sup> forming part of the collection, of

<sup>1816</sup> Art. 34(2) (defining "borrowing").

<sup>1817</sup> Art. 33(1).

<sup>1818</sup> Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights).

<sup>1819</sup> Art. 34(3).

<sup>1820</sup> Art. 33(2).

<sup>1821</sup> Government Decree No. 117 of 2004 (IV. 28.) Korm. on the Determination of the Manner & Conditions of the Communication & Making Available to the Public in the Case of Free Use Provided for in Article 38(5) of Act LXXVI of 1999 on Copyright [hereinafter Government Decree No. 117], Art. 3 (providing that beneficiary entities' terminals may be interconnected to one another).

<sup>1822</sup> Art. 83(2) (providing that the exceptions applicable to copyright works shall apply collectively to neighbouring rights).

Entity exercising broadcast/communication/recording	publicly accessible libraries, educational establishments <sup>1823</sup> , museums, archives, as well as audio and audiovisual archives
Purpose of broadcast/communication/recording	research or private study
Condition of broadcast/communication/recording	not for direct or indirect earning or increasing income  beneficiary entity to provide info that the work made available can only be used for purposes of research or private study in Art. 38(5) [this article] <sup>1824</sup>  beneficiary entity to require user's statement, as a precondition of access, that user will use the terminals for purposes of research or private study in Art. 38(5) [this article] <sup>1825</sup>  in the absence of a contractual provision to the contrary
Frequency/limits of broadcast/communication/recording	user will use the terminals for purposes of research or private study in Art. 38(5) [this article] <sup>1826</sup>  beneficiary entity to apply a safe technical solution which hinders the modification/reproduction/communication to the public of the works in its collection to non-users <sup>1827</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("may be ... freely")

## 8. Compulsory Licences for Educational Reproductions and Translations

## 9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 95/A
Scope of TPM/RMI restriction	require rightholder who used technological measures in respect of his work, (performance, sound recording, radio or television programme, film, database) <sup>1828</sup> to make free use possible for the "beneficiary" who has lawful access to the work

<sup>1823</sup> Art. 33(4) (defining "educational establishment").

<sup>1824</sup> *Id.*, Art. 2(1)(b).

<sup>1825</sup> *Id.*, Art. 2(2).

<sup>1826</sup> *Id.*, Art. 2(2).

<sup>1827</sup> Government Decree No. 117, Art. 2(1)(a).

<sup>1828</sup> Art. 99 (providing that the TPM provisions shall apply to neighbouring rights (in Chapter XI) and databases (in Chapter XI/A)).

Type(s) of source work(s)	(not applicable to a work, (performance, sound recording, radio or television programme, film, database) <sup>1829</sup> made available to the public on basis of a contract in such a way that members of the public may access the work from a place and at a time individually chosen by them <sup>1830</sup> )
Beneficiary exercising restriction	“beneficiary” of limitation/exception for reprographic reproduction for [purposes]
Purpose of restriction	private purposes (Arts. 21(1), 35(1)), illustration for teaching and scientific research (Art. 34(2)), copy of work for internal purposes of educational establishments (Art. 35(4))
Condition of restriction	

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<sup>1829</sup> *Id.*

<sup>1830</sup> Art. 95/A(2), taken from EU Copyright Directive 2001/29, Art. 6(4).

## Iceland

### 1. Treaties & Legislation

Treaties:

Berne Convention: September 7, 1947 (Paris Act (1971): December 28, 1984)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

The 1972 Copyright Act as amended in 1984, 1991 and 1992

Copyright Act No. 73/1972 (as amended up to Act No. 93/2010)

Act No. 109 amending the Copyright Act, No. 73/1972, as amended (private copying)

### 2. Private/Personal Use

Provision	Art. 11
Scope of private/personal use	reproductions
Type(s) of source work(s)	a published work (including photos <sup>1831</sup> and databases <sup>1832</sup> ), (a performance, <sup>1833</sup> an audio-visual recording, <sup>1834</sup> a broadcast <sup>1835</sup> )
Entity exercising private/personal use	individuals
Purpose of private/personal use	exclusively for private use
Condition of private/personal use	not done for commercial purposes  reproductions may not be used for any other purpose
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture, sculptures, applied art or drawing, if assistance of others is sought, musical and literary works, if assistance of others who carry out such reproduction on a commercial basis is sought, electronic databases, computer programs <sup>1836</sup>
Subject to Attribution	
Subject to Remuneration	works which have been broadcast or made accessible to the public in a manner enabling individual persons to gain access to the works wherever, whenever and through whatever device they choose, or released as audio or

<sup>1831</sup> Art. 49.

<sup>1832</sup> Art. 50.

<sup>1833</sup> Art. 45.

<sup>1834</sup> Art. 46.

<sup>1835</sup> Art. 48.

<sup>1836</sup> Art. 11a (excepting the copying of a computer program for backup and security purposes, and for utilization of the computer program).



	audiovisual recordings: special compensation for customs values of tapes, hard disks, optical disks or other storage media, whatever their form, cable of being used to make analogue or digital recordings of sound or images, and devices intended to be used to make such recordings for private use and which have been imported to or manufactured in Iceland, payable from an appropriation in the National Budget to CMOs for distribution to authors <sup>1837</sup>
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### 3. Quotations

Provision	Art. 14
Scope of quotation	quotation
Type(s) of source work(s)	any presented literary work, including dramatic works and presented cinematographic or musical works, presentations of pictures and drawings of presented works of art and documents, (a photo, <sup>1838</sup> a database <sup>1839</sup> ), (a performance, <sup>1840</sup> an audio-visual recording, <sup>1841</sup> a broadcast <sup>1842</sup> )
Entity exercising quotation	
Purpose of quotation	in the context of a critical or scientific public discussion, or other recognised purpose
Condition of quotation	quotation is correct and of reasonable length  no commercial purpose is involved
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	remuneration where pictures or drawings of two or more works by the same author are presented in a text intended as general information to author

### 4. Research/Educational Reproduction

### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 17
Scope of anthologies/compilations limitation/exception	presentations in composite works, consisting of selections
Type(s) of source work(s)	works by many authors (but not works created and published for use in classroom instruction)

<sup>1837</sup> Art. 11 para 3 (as amended by Act. 109/2016).

<sup>1838</sup> Art. 49.

<sup>1839</sup> Art. 50.

<sup>1840</sup> Art. 45.

<sup>1841</sup> Art. 46.

<sup>1842</sup> Art. 48.

	without the author's consent), (including photos <sup>1843</sup> and databases <sup>1844</sup> ): individual literary or musical works, if they are of limited size, and chapters taken from longer works, or pictures or drawings of works of art or documents, in connection with these texts
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	compiled for use in religious services, classroom instruction or educational broadcasting
Condition of anthologies/compilations limitation/exception	no commercial purpose is involved  pictures or drawings of works of art or documents, in connection with aforesaid texts
Frequency/copies and limits	lapse of 5 years from year in which work was published/presented
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	
Subject to Remuneration	remuneration entitlement for author of work presented in composition

## 6. School Performances

Provision	Art. 21(1)
Scope of school performance	public performance
Type(s) of source work(s)	a published work (not dramatic or cinematographic work) <sup>1845</sup> , (including a photo <sup>1846</sup> and a database <sup>1847</sup> ), (a performance, <sup>1848</sup> an audio recording, <sup>1849</sup> a broadcast <sup>1850</sup> )
Entity exercising school performance	
Purpose of school performance	educational purposes
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	if admission is charged especially for this performance: remuneration entitlement for author otherwise: not required ("may be performed publicly")

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<sup>1843</sup> Art. 49.

<sup>1844</sup> Art. 50.

<sup>1845</sup> Art. 21 proviso.

<sup>1846</sup> Art. 49.

<sup>1847</sup> Art. 50.

<sup>1848</sup> Art. 45.

<sup>1849</sup> Art. 47 (excluding from the application of the Art. 21 exception, cinematographic works and video recordings).

<sup>1850</sup> Art. 48.

Provision	Art. 21(2)
Scope of school performance	public performance
Type(s) of source work(s)	a published work (not dramatic or cinematographic work) <sup>1851</sup> , (including a photo <sup>1852</sup> and a database <sup>1853</sup> ), (a performance, <sup>1854</sup> an audio recording, <sup>1855</sup> a broadcast <sup>1856</sup> )
Entity exercising school performance	
Purpose of school performance	at gatherings held for purposes of charity, at public gatherings, for the promotion of culture or education, or in support of causes otherwise favourable to the common good
Condition of school performance	no remuneration is made for the performance
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("may be performed publicly")

Provision	Art. 21(3)
Scope of school performance	public performance
Type(s) of source work(s)	a published work (not dramatic or cinematographic work) <sup>1857</sup> , (including a photo <sup>1858</sup> and a database <sup>1859</sup> ), (a performance, <sup>1860</sup> an audio recording, <sup>1861</sup> a broadcast <sup>1862</sup> )
Entity exercising school performance	
Purpose of school performance	at gatherings not organised for commercial purposes or financial gain, such as meetings of schools or societies, and other similar occasions
Condition of school performance	no remuneration is made for the performance  admission charges no higher than necessary to cover direct costs incurred
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("may be performed publicly")

## 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 18
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<sup>1851</sup> Art. 21 proviso.

<sup>1852</sup> Art. 49.

<sup>1853</sup> Art. 50.

<sup>1854</sup> Art. 45.

<sup>1855</sup> Art. 47 (excluding from the application of the Art. 21 exception, cinematographic works and video recordings).

<sup>1856</sup> Art. 48.

<sup>1857</sup> Art. 21 proviso.

<sup>1858</sup> Art. 49.

<sup>1859</sup> Art. 50.

<sup>1860</sup> Art. 45.

<sup>1861</sup> Art. 47 (excluding from the application of the Art. 21 exception, cinematographic works and video recordings).

<sup>1862</sup> Art. 48.

Scope of broadcast/communication/recording	audio recording
Type(s) of source work(s)	presented works (but not gramophone records or other audio recordings which are produced for commercial sale), (photos, <sup>1863</sup> databases <sup>1864</sup> ), (performances, <sup>1865</sup> audio-visual recordings, <sup>1866</sup> broadcasts <sup>1867</sup> )
Entity exercising broadcast/communication/recording	public educational institutions
Purpose of broadcast/communication/recording	instructional use
Condition of broadcast/communication/recording	audio recordings may not be used for any other purposes
Frequency/limits of broadcast/communication/recording	temporary use
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	

## 8. Compulsory Licences for Educational Reproductions and Translations

## 9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 50b
Scope of TPM/RMI restriction	circumventing technological measures
Type(s) of source work(s)	
Beneficiary exercising restriction	
Purpose of restriction	study of encryption
Condition of restriction	

Provision	Art. 50c
Scope of TPM/RMI restriction	the rightholder applying technological measures to grant user access to means necessary for the user to employ the limitations to copyright, failing which user may ignore the technological measures <sup>1868</sup>
Type(s) of source work(s)	work/other materials (but not applicable to works/other materials made accessible to the public under an agreement on an 'on-demand' basis <sup>1869</sup> )

<sup>1863</sup> Art. 49.

<sup>1864</sup> Art. 50.

<sup>1865</sup> Art. 45.

<sup>1866</sup> Art. 46.

<sup>1867</sup> Art. 48.

<sup>1868</sup> The Rulings Committee may grant the user access to the means necessary to employ the copyright limitations. This would include requiring the rightholder to ... If the rightholder does not comply with the committee's instructions within four weeks, the user may ignore the technological measures.

<sup>1869</sup> Art. 50c line 5, taken from EU Copyright Directive 2001/29, Art. 6(4).

Beneficiary exercising restriction	users who, <i>inter alia</i> , present pictures/drawings of presented works of art/documents (Art. 12(2)), present individual literary/musical works in composite works for classroom instruction or educational broadcasting (Art. 17(1)), publicly perform works for educational purposes (Art. 21(1) item 1)
Purpose of restriction	[to have legal access to the work/other materials pursuant to the copyright limitations]
Condition of restriction	user has legal access to the work/material in question <sup>1870</sup>  rightholder has not voluntarily taken measures which would ensure that the user is not able to invoke this exception <sup>1871</sup>

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<sup>1870</sup> Art. 50c para 1.

<sup>1871</sup> Art. 50c para 2.

## India

### 1. Treaties & Legislation

Treaties:

Berne Convention: April 1, 1928 (Paris Act (1971): January 10, 1975)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act, 1957 (as consolidated up to Act No. 49 of 1999), as revised by the Copyright (Amendment) Act, 2012

### 2. Private/Personal Use

Provision	s 52(1)(a)(i)
Scope of private/personal use	a fair dealing
Type(s) of source work(s)	any work, not being a computer programme
Entity exercising private/personal use	
Purpose of private/personal use	private or personal use, including research
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

Provision	s 52(1)(p)
Scope of private/personal use	reproduction
Type(s) of source work(s)	an unpublished literary, dramatic or musical work kept in a library, museum or other institution to which the public has access, (a broadcast, a performance) <sup>1872</sup>
Entity exercising private/personal use	
Purpose of private/personal use	research or private study or with a view to publication
Condition of private/personal use	if identity of author/any of joint authors is known to library, museum or institution, reproduction can only be made more than 60 years from date of death of author/author whose identity is known/ author who dies last
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

<sup>1872</sup> S 39(c) (applying copyright limitations and exceptions in s 52 to broadcasts and performances).

Provision	s 39(a)
Scope of private/personal use	making of sound recording or visual recording
Type(s) of source work(s)	a broadcast, a performance
Entity exercising private/personal use	a person
Purpose of private/personal use	private use of person making such recording
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("No ... right shall be deemed to be infringed")

### 3. Quotations

Provision	s 52(1)(a)(ii)
Scope of quotation	fair dealing
Type(s) of source work(s)	a work, not being a computer programme
Entity exercising quotation	
Purpose of quotation	criticism or review, whether of that work or of any other work
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

### 4. Research/Educational Reproduction

Provision	s 51(1)(i)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	any work, (a broadcast, a performance) <sup>1873</sup>
Entity exercising reproduction	
Purpose of educational reproduction	by a teacher or a pupil in the course of instruction, or as part of the questions to be answered in an examination, or in answers to such questions
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

<sup>1873</sup> S 39(c) (applying copyright limitations and exceptions in s 52 to broadcasts and performances).

**5. Educational Publications/Anthologies/Compilations/Composite Works**

Provision	s 52(1)(h)
Scope of anthologies/compilations limitation/exception	publication in a collection
Type(s) of source work(s)	short passages from published literary or dramatic works, (broadcasts, performances) <sup>1874</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	bona fide intended for instructional use
Condition of anthologies/compilations limitation/exception	collection is so described in its title and in any publisher's advertisement  collection consists mainly of non-copyright matter  source works themselves not published for instructional use
Frequency/copies and limits	no more than 2 excerpts from works by same author <sup>1875</sup> published by same publisher within 5 year period <sup>1876</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title, author (unless anonymous, or author unascertainable after reasonable inquiry for unpublished work) <sup>1877</sup>
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

**6. School Performances**

Provision	s 52(1)(j)
Scope of school performance	performance
Type(s) of source work(s)	a literary, dramatic or musical work, or a cinematograph film or a sound recording, or (a broadcast, a performance) <sup>1878</sup>
Entity exercising school performance	staff and students of the institution
Purpose of school performance	course of the activities of an educational institution
Condition of school performance	audience is limited to such staff and students, the parents and guardians of the students and persons connected with the activities of the institution or the communication to such an audience of a cinematograph film or sound recording

<sup>1874</sup> S 39(c) (applying copyright limitations and exceptions in s 52 to broadcasts and performances).

<sup>1875</sup> S 52(h) explanation (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion).

<sup>1876</sup> S 52(h) proviso.

<sup>1877</sup> S 2(1) (defining "sufficient acknowledgement").

<sup>1878</sup> S 39(c) (applying copyright limitations and exceptions in s 52 to broadcasts and performances).



Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 39(a)
Scope of broadcast/communication/recording	making of any sound recording or visual recording
Type(s) of source work(s)	a broadcast, performance
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	solely for purposes of bona fide teaching or research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("No ... right shall be deemed to be infringed")

Provision	s 39(b)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	excerpts of a broadcast, performance
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for bona fide review, teaching or research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("No ... right shall be deemed to be infringed")

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	s 32(1A)
Nature of compulsory licence for translation for educational purposes	non-exclusive compulsory licence, for production, translation and publication, in any

	language in general use in India, in printed or analogous forms of reproduction in India <sup>1879</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>1880</sup> digital dissemination <sup>1881</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration lapsed after Oct 10, 1994
Type(s) of source work(s)	a literary or dramatic work, other than an Indian work
Licence applicant/entity	any person
Purpose of licence	translation is required for the purposes of teaching, scholarship or research
Condition of licence	<p>licence application may be made: 7 years from first publication,<sup>1882</sup> or 3 years from first publication (if required for teaching, scholarship or research),<sup>1883</sup> or 1 year from first publication (where translation is in language not in general use in any developed country)<sup>1884</sup></p> <p>work has not been previously translated into the language in the licence application and published by the copyright owner/authorised person, within 7/3/1 year of first publication, or if translation has been so published, it has been out of print<sup>1885</sup></p> <p>licence applicant has requested and been denied authorisation by copyright owner, or was unable to find copyright owner after due diligence, despite sending request to publisher<sup>1886</sup></p> <p>name of author and title of particular edition proposed to be translated are printed on all copies of the translation<sup>1887</sup></p>

<sup>1879</sup> S 32(4)(ii) (subjecting the licence to the condition that the licence shall not extend to the export of copies of the translation of the work outside India and every copy of such translation shall contain a notice in the language of such translation that the copy is available for distribution only in India, though the Indian government or any authority under the Government may export copies of such translation in a language other than English, French or Spanish to any country to Indian citizens domiciled abroad, or for purposes of teaching, scholarship or research and not for any commercial purpose, and where permission for export has been given by the importing country).

<sup>1880</sup> S 32(1A) refers to the publication of "a translation, in printed or analogous forms of reproduction".

<sup>1881</sup> S 3 (defining "publication" to mean "making a work available to the public by issue of copies or by communicating the work to the public"); s 2(ff) (defining "communication to the public" as "making any work available for being seen or heard or otherwise enjoyed by the public directly or by any means of display or diffusion other than by issuing copies of such work regardless of whether any member of the public actually sees, hears or otherwise enjoys the work so made available").

<sup>1882</sup> S 32(1).

<sup>1883</sup> S 32(1A).

<sup>1884</sup> S 32(1A) proviso.

<sup>1885</sup> S 32(4)(a).

<sup>1886</sup> S 32(4)(b), (c). In addition, a waiting period of 6/9 months has lapsed before the licence application has been made. S 32(4)(cc).

<sup>1887</sup> S 32(4)(ccc)(i).

	<p>licence applicant to satisfy Copyright Board that it is competent to produce and publish a correct translation and possesses the means to pay copyright royalties<sup>1888</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>1889</sup></p> <p>opportunity to be heard is given, wherever practicable, to copyright owner<sup>1890</sup></p> <p>subject to licensee's sale of existing copies, licence nullified if copyright owner is publishing or has permitted the publishing of translated work in the same language and substantially the same in content at a price normally charged for translation of works of the same standard<sup>1891</sup></p>
Compulsory licence fee(s)	beneficiary of compulsory licence to pay royalties to owner of copyright in the work in respect of copies of translation sold to the public <sup>1892</sup>
Price of publication	licence application to state in licence application proposed retail price of a copy of the translation of the work <sup>1893</sup>
Distribution conditions	
Grantor of compulsory licence	Copyright Board

Provision	s 32(5)
Nature of compulsory licence for translation for educational purposes	non-exclusive compulsory licence, for production, translation, publication and broadcasting of such translation in India <sup>1894</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>1895</sup> digital dissemination <sup>1896</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration lapsed after Oct 10, 1994
Type(s) of source work(s)	a literary or dramatic work, other than an Indian work, or any text incorporated in audiovisual

<sup>1888</sup> S 32(4)(d).

<sup>1889</sup> S 32(4)(e).

<sup>1890</sup> S 32(4)(f).

<sup>1891</sup> S 32B(1).

<sup>1892</sup> S 32(4)(i). The Copyright Board may, in the circumstances of each case, determine in the prescribed manner the royalties payable.

<sup>1893</sup> S 32(2).

<sup>1894</sup> S 32(6)(c).

<sup>1895</sup> S 32(1A) refers to the publication of "a translation, in printed or analogous forms of reproduction".

<sup>1896</sup> S 3 (defining "publication" to mean "making a work available to the public by issue of copies or by communicating the work to the public"); s 2(ff) (defining "communication to the public" as "making any work available for being seen or heard or otherwise enjoyed by the public directly or by any means of display or diffusion other than by issuing copies of such work regardless of whether any member of the public actually sees, hears or otherwise enjoys the work so made available").

	fixations prepared and published solely for the purpose of systematic instructional activities <sup>1897</sup>
Licence applicant/entity	any broadcasting authority
Purpose of licence	for the purposes of teaching or for the dissemination of the results of specialised, technical or scientific research to the experts in any particular field <sup>1898</sup>
Condition of licence	<p>licence application may be made: 7 years from first publication,<sup>1899</sup> or 3 years from first publication (if required for teaching, scholarship or research),<sup>1900</sup> or 1 year from first publication (where translation is in language not in general use in any developed country)<sup>1901</sup></p> <p>work has not been previously translated into the language in the licence application and published by the copyright owner/authorised person, within 7/3/1 year of first publication, or if translation has been so published, it has been out of print<sup>1902</sup></p> <p>licence applicant has requested and been denied authorisation by copyright owner, or was unable to find copyright owner after due diligence, despite sending request to publisher<sup>1903</sup></p> <p>name of author and title of particular edition proposed to be translated are printed on all copies of the translation<sup>1904</sup></p> <p>licence applicant to satisfy Copyright Board that it is competent to produce and publish a correct translation and possesses the means to pay copyright royalties<sup>1905</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>1906</sup></p> <p>opportunity to be heard is given, wherever practicable, to copyright owner<sup>1907</sup></p>

<sup>1897</sup> S 32(5).

<sup>1898</sup> S 32(5).

<sup>1899</sup> S 32(1).

<sup>1900</sup> S 32(1A).

<sup>1901</sup> S 32(1A) proviso.

<sup>1902</sup> S 32(4)(a).

<sup>1903</sup> S 32(4)(b), (c). In addition, a waiting period of 6/9 months has lapsed before the licence application has been made. S 32(4)(cc).

<sup>1904</sup> S 32(4)(ccc)(i).

<sup>1905</sup> S 32(4)(d).

<sup>1906</sup> S 32(4)(e).

<sup>1907</sup> S 32(4)(f).

	<p>translation is made from a lawfully acquired work<sup>1908</sup></p> <p>broadcast is made through the medium of sound and visual recordings<sup>1909</sup></p> <p>such recordings have been lawfully and exclusively made for the purpose of broadcasting in India by the licence applicant or by any other broadcasting agency<sup>1910</sup></p> <p>the translation and broadcasting of such translation are not used for any commercial purposes<sup>1911</sup></p>
Compulsory licence fee(s)	beneficiary of compulsory licence to pay royalties to owner of copyright in the work <sup>1912</sup>
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Copyright Board

Provision	s 32A
Nature of compulsory licence for reproduction for educational purposes	<p>non-exclusive compulsory licence, for:</p> <p>* reproduction and publication, in printed or analogous forms of reproduction in India<sup>1913</sup> [of a work]</p> <p>* reproduction and publication, or translation [sic] into a language in general use in India<sup>1914</sup> [of an audiovisual fixation]</p>
Scope of compulsory licence for digital copying and dissemination	<p>digital reproduction</p> <p>digital publication<sup>1915</sup></p> <p>digital dissemination<sup>1916</sup></p>
Facilities provided in Paris Act, Appendix	Art. I declaration lapsed after Oct 10, 1994
Type(s) of source work(s)	* an edition of a literary, scientific or artistic work <sup>1917</sup>

<sup>1908</sup> S 32(6)(a).

<sup>1909</sup> S 32(6)(b).

<sup>1910</sup> S 32(6)(c).

<sup>1911</sup> S 32(6)(d).

<sup>1912</sup> S 32(4)(i). The Copyright Board may, in the circumstances of each case, determine in the prescribed manner the royalties payable.

<sup>1913</sup> S 32A(4)(ii) (subjecting the licence to the condition that the licence shall not extend to the export of copies of the reproduction of the work outside India).

<sup>1914</sup> S 32A(6).

<sup>1915</sup> S 32(1A) refers to the publication of "a translation, in printed or analogous forms of reproduction".

<sup>1916</sup> S 3 (defining "publication" to mean "making a work available to the public by issue of copies or by communicating the work to the public"); s 2(ff) (defining "communication to the public" as "making any work available for being seen or heard or otherwise enjoyed by the public directly or by any means of display or diffusion other than by issuing copies of such work regardless of whether any member of the public actually sees, hears or otherwise enjoys the work so made available").

<sup>1917</sup> S 32A(4)(ii) (subjecting the licence to the condition that the licence shall not extend to the export of copies of the reproduction of the work outside India).

	* any text incorporated in audiovisual fixations prepared and published solely for the purpose of systematic instructional activities <sup>1918</sup>
Licence applicant/entity	any person
Purpose of licence	systematic instructional activities
Condition of licence	<p>licence application may be made: any work of, or relating to, fiction, poetry, drama, music or art - 7 years from first publication, or any work of, or relating to, natural science, physical science, mathematics or technology - 3 years from first publication, or any other work - 1 year from first publication<sup>1919</sup></p> <p>work has not been previously reproduced and published by the copyright owner/authorised person, within 3/6 months of licence application<sup>1920</sup></p> <p>licence applicant has requested and been denied authorisation by copyright owner, or was unable to find copyright owner after due diligence, despite sending request to publisher<sup>1921</sup></p> <p>name of author and title of particular edition proposed to be reproduced are printed on all copies of the translation<sup>1922</sup></p> <p>licence applicant to satisfy Copyright Board that it is competent to produce and publish an accurate reproduction and possesses the means to pay copyright royalties<sup>1923</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>1924</sup></p> <p>opportunity to be heard is given, wherever practicable, to copyright owner<sup>1925</sup></p> <p>no licence to reproduce and publish the translation of a work under this section unless translation has been published by owner of translation right/authorised person and</p>

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<sup>1918</sup> S 32A(6).

<sup>1919</sup> S 32A(6) explanation.

<sup>1920</sup> S 32A(4)(e) (providing for a waiting period of 6 months for any work of natural science, physical science, mathematics or technology, or 3 months for any other work).

<sup>1921</sup> S 32A(4)(a), (b). In addition, a waiting period of 3 months has lapsed before the licence application has been made, if the copyright owner is not found. S 32A(4)(b).

<sup>1922</sup> S 32A(4)(f).

<sup>1923</sup> S 32A(4)(c).

<sup>1924</sup> S 32A(4)(g).

<sup>1925</sup> S 32A(4)(h).

	translation is not in a language in general use in India <sup>1926</sup>  subject to licensee's sale of existing copies, licence nullified if copyright owner is publishing or has permitted the publishing of work in the same language and substantially the same in content at a price normally charged for works of the same standard <sup>1927</sup>
Compulsory licence fee(s)	beneficiary of compulsory licence to pay royalties to owner of copyright in the work in respect of copies of reproduction sold to the public <sup>1928</sup>
Price of publication	retail price to be proposed by licence applicant, <sup>1929</sup> at price as may be fixed by Copyright Board, reasonably related to price normally charged in India for works of the same standard on the same or similar subjects <sup>1930</sup>
Grantor of compulsory licence	Copyright Board

#### 9. TPM/RMI Exceptions for Educational Purposes

Provision	s 65A(2)(b)
Scope of TPM/RMI restriction	to do anything to circumvent an effective technological measure
Type(s) of source work(s)	a work, (a broadcast, a performance) <sup>1931</sup>
Beneficiary exercising restriction	a person
Purpose of restriction	necessary to conduct encryption research
Condition of restriction	using a lawfully obtained encrypted copy [of a work]

<sup>1926</sup> S 32A(5).

<sup>1927</sup> S 32B(2).

<sup>1928</sup> S 32A(4)(i). The Copyright Board may, in the circumstances of each case, determine in the prescribed manner the royalties payable.

<sup>1929</sup> S 32A(2).

<sup>1930</sup> Ss 32A(1) proviso, (4)(d).

<sup>1931</sup> S 39A(1) (applying the provision as it applied in relation to copyright in a work to broadcast reproduction right in any broadcast and performer's right in any performance).

## Indonesia

### 1. Treaties & Legislation

Treaties:

Berne Convention: September 5, 1997 (Paris Act (1971): September 5, 1997)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: February 15, 2005

Legislation:

Law of the Republic of Indonesia No. 28 of September 16, 2014, on Copyright

### 2. Private/Personal Use

Provision	Art. 46
Scope of private/personal use	copying
Type(s) of source work(s)	a published work
Entity exercising private/personal use	
Purpose of private/personal use	for personal purposes
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture, whole or substantial part of book or musical notation, whole or substantial part of a database in digital form, computer program <sup>1932</sup> ,  any reproduction for personal interests which would "conflict with the legitimate interests of the author or copyright owner"
Subject to Attribution	
Subject to Remuneration	not required ("without the permission of the Author or the Copyright Holder")

### 3. Quotations

Provision	Art. 44(1).a
Scope of quotation	use, retrieval, reproduction, modification
Type(s) of source work(s)	all or substantial portion of works and/or related rights products (performances, phonograms, broadcasts)
Entity exercising quotation	
Purpose of quotation	criticizing or reviewing an issue
Condition of quotation	
Preclusions (not part of quotation)	does not prejudice the legitimate interest of the author or copyright holder
Subject to Attribution	source (mentioned or included in full)
Subject to Remuneration	not required ("not considered a violation of copyright")

<sup>1932</sup> Art. 45 (excepting use of the computer program and for backup/archival purposes).



4. Research/Educational Reproduction

Provision	Art. 44(1).a
Scope of research/educational reproduction	use, retrieval, reproduction, modification
Type(s) of source work(s)	all or substantial portion of works and/or related rights products (performances, phonograms, broadcasts)
Entity exercising reproduction	
Purpose of educational reproduction	education, research, scientific writing
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	does not prejudice the legitimate interest of the author or copyright holder
Subject to Attribution	source (mentioned or included in full)
Subject to Remuneration	not required ("not considered a violation of copyright")
Provision	Art. 44(1).c
Scope of research/educational reproduction	use, retrieval, reproduction, modification
Type(s) of source work(s)	all or substantial portion of works and/or related rights products (performances, phonograms, broadcasts)
Entity exercising reproduction	
Purpose of educational reproduction	lectures for purposes of education and science
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source (mentioned or included in full)
Subject to Remuneration	not required ("not considered a violation of copyright")
Provision	Art. 26.b
Scope of research/educational reproduction	reproduction <sup>1933</sup>
Type(s) of source work(s)	works and/or related rights products (performances, phonograms, broadcasts)
Entity exercising reproduction	
Purpose of educational reproduction	scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... does not apply")
Provision	Art. 26.c

<sup>1933</sup> Art. 26.b creates an exception as to the economic rights of performances, phonograms and broadcasts.

Scope of research/educational reproduction	reproduction <sup>1934</sup>
Type(s) of source work(s)	works and/or related rights products (performances, phonograms, broadcasts), except for performances and phonograms published as teaching materials
Entity exercising reproduction	
Purpose of educational reproduction	teaching purposes
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... does not apply")

Provision	Art. 26.d
Scope of research/educational reproduction	use <sup>1935</sup>
Type(s) of source work(s)	works and/or related rights products (performances, phonograms, broadcasts)
Entity exercising reproduction	
Purpose of educational reproduction	education and development of science
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... does not apply")

5. Educational Publications/Anthologies/Compilations/Composite Works

6. School Performances

Provision	Art. 44(1).d
Scope of school performance	use, retrieval, reproduction, modification
Type(s) of source work(s)	all or substantial portion of works and/or related rights products (performances, phonograms, broadcasts)
Entity exercising school performance	
Purpose of school performance	performances or performances that are free [sic]
Condition of school performance	
Preclusions (not part of school performance)	does not prejudice the legitimate interest of the author
Subject to Attribution	source (mentioned or included in full)

<sup>1934</sup> Art. 26.b creates an exception as to the economic rights of performances, phonograms and broadcasts.

<sup>1935</sup> Art. 26.b creates an exception as to the economic rights of performances, phonograms and broadcasts. Art. 26.d further specifies that use is permitted "without the permission of performers, producers of phonograms and broadcasters".

Subject to Remuneration	not required ("ot considered a violation of copyright")
Provision	Art. 26.d
Scope of school performance	use <sup>1936</sup>
Type(s) of source work(s)	works and/or related rights products (performances, phonograms, broadcasts)
Entity exercising school performance	
Purpose of school performance	education and development of science
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... does not apply")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 26.d
Scope of broadcast/communication/recording	use <sup>1937</sup>
Type(s) of source work(s)	works and/or related rights products (performances, phonograms, broadcasts)
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	education and development of science
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... does not apply")

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	Arts. 84-86
Nature of compulsory licence for translation for educational purposes	compulsory licence, for translation [and/or reproduction] in Indonesia <sup>1938</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction

<sup>1936</sup> Art. 26.b creates an exception as to the economic rights of performances, phonograms and broadcasts. Art. 26.d further specifies that use is permitted "without the permission of performers, producers of phonograms and broadcasters".

<sup>1937</sup> Art. 26.b creates an exception as to the economic rights of performances, phonograms and broadcasts. Art. 26.d further specifies that use is permitted "without the permission of performers, producers of phonograms and broadcasters".

<sup>1938</sup> Art. 86(4).

	digital publication <sup>1939</sup> digital dissemination <sup>1940</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	
Purpose of licence	purpose of education and/or science and research and development activities <sup>1941</sup>
Condition of licence	everyone to work in the fields of science and literature <sup>1942</sup>  licence application may be made: for translation: 3 years from first creation (in the field of science and literature), <sup>1943</sup>  work has not been previously translated into Indonesian <sup>1944</sup> or reproduced in Indonesia <sup>1945</sup>  Minister may require owner to carry out own translation in Indonesia in the allotted time, or require owner to permit others to carry out the translation in Indonesia within the specified time if the owner does not implement its own, or appoint another party [licensee] to perform translation if owner fails to do so <sup>1946</sup>
Compulsory licence fee(s)	on reasonable terms <sup>1947</sup>
Price of publication	
Distribution conditions	copies of translated work may not be exported <sup>1948</sup>
Grantor of compulsory licence	Minister <sup>1949</sup>

Provision	Arts. 84-86
Nature of compulsory licence for reproduction for educational purposes	compulsory licence, for reproduction in Indonesia <sup>1950</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>1951</sup>

<sup>1939</sup> Publication is implied since the object of Art. 86 is the dissemination of the translated work; Art. 1.6 (defining "reproduction" to mean increase the number of a Work, either as a whole or its substantial parts using either the same or different material including the changing of the form or mode of a work permanently or temporarily"); Art. 1.5 (defining "publication" to mean "the reading, broadcasting, exhibition, sale, distribution or dissemination of a Work, by utilising whatever means including the Internet, or by any manner so that such Work is capable of being read, heard or seen by any other person").

<sup>1940</sup> *Ibid.*

<sup>1941</sup> Art. 84.

<sup>1942</sup> Art. 85.

<sup>1943</sup> Art. 86(2) [reproduced].

<sup>1944</sup> Art. 86(2).

<sup>1945</sup> Art. 86(3).

<sup>1946</sup> Art. 86(1) paras. a-c.

<sup>1947</sup> Art. 86(5).

<sup>1948</sup> Art. 86(4).

<sup>1949</sup> Arts. 85, 86(1).

<sup>1950</sup> Art. 86(4).

<sup>1951</sup> Publication is implied since the object of Art. 86 is the dissemination of the translated work; Art. 1.6 (defining "reproduction" to mean increase the number of a Work, either as a whole or its substantial parts using either the same or different material including the changing of the form or mode of a work permanently or temporarily"); Art. 1.5 (defining

	digital dissemination <sup>1952</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	
Purpose of licence	purpose of education and/or science and research and development activities <sup>1953</sup>
Condition of licence	everyone to work in the fields of science and literature <sup>1954</sup>  licence application may be made: for reproduction: 3 years from first publication (for books in the fields of mathematics and natural sciences, social sciences and art and literature) <sup>1955</sup>  work has not been previously reproduced in Indonesia <sup>1956</sup>  Minister may require owner to carry out own reproduction in Indonesia in the allotted time, or require owner to permit others to carry out the reproduction in Indonesia within the specified time if the owner does not implement its own, or appoint another party [licensee] to perform reproduction if owner fails to do so <sup>1957</sup>
Compulsory licence fee(s)	on reasonable terms <sup>1958</sup>
Price of publication	
Distribution conditions	copies of reproduced work may not be exported <sup>1959</sup>
Grantor of compulsory licence	Minister <sup>1960</sup>

#### 9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 52
Scope of TPM/RMI restriction	exception to permit damaging, destroying, removing or making it [non] functional control means used as protective technology for
Type(s) of source work(s)	copyright works or product of related rights
Beneficiary exercising restriction	
Purpose of restriction	other reasons appropriate with the provisions of the [Copyright] legislation, or agreed otherwise [with the rightholder]

"publication" to mean "the reading, broadcasting, exhibition, sale, distribution or dissemination of a Work, by utilising whatever means including the Internet, or by any manner so that such Work is capable of being read, heard or seen by any other person").

<sup>1952</sup> *Ibid.*

<sup>1953</sup> Art. 84.

<sup>1954</sup> Art. 85.

<sup>1955</sup> Art. 86(3).

<sup>1956</sup> Art. 86(3).

<sup>1957</sup> Art. 86(1) paras. a-c.

<sup>1958</sup> Art. 86(5).

<sup>1959</sup> Art. 86(4).

<sup>1960</sup> Arts. 85, 86(1).

Condition of restriction	
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## Iran (Islamic Republic of)

### 1. Treaties & Legislation

Treaties:

Berne Convention: not a party

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Act for Protection of Authors, Composers and Artists Rights (Copyright Law) (January 12, 1970)

Translation and Reproduction of Books, Periodical and Phonograms Act (December 26, 1973)

### 2. Private/Personal Use

Provision	Art. 11
Scope of private/personal use	reproduction, recording
Type(s) of source work(s)	[reproduction] a work, [recording] radio and television programmes
Entity exercising private/personal use	
Purpose of private/personal use	private and non-commercial use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("permissible")

Provision	Art. 5, Translation and Reproduction of Books, Periodical and Phonograms Act
Scope of private/personal use	copying
Type(s) of source work(s)	books, periodicals and [phonograms]/audio works recorded on a record or tape or any other similar means
Entity exercising private/personal use	
Purpose of private/personal use	personal and private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("is permitted")

### 3. Quotations

Provision	Art. 7
Scope of quotation	quote and refer
Type(s) of source work(s)	published works

Entity exercising quotation	
Purpose of quotation	for literary, scientific, technical or educational purposes, and in criticism or praise
Condition of quotation	customary limitations are observed
Preclusions (not part of quotation)	
Subject to Attribution	source (not necessary where work is reproduced for use in educational institutions by teachers employed thereat, and no monetary gain involved)
Subject to Remuneration	not required ("It is permissible")

#### 4. Research/Educational Reproduction

Provision	Art. 8
Scope of research/educational reproduction	reproduction by photographic or similar process
Type(s) of source work(s)	protected works
Entity exercising reproduction	public libraries, documentation centers, scientific institutions and educational establishments, which are noncommercial
Purpose of educational reproduction	for purpose of their activities
Condition of reproduction	
Frequency/copies and limits	in numbers necessary
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("may reproduce")

Provision	Art. 10
Scope of research/educational reproduction	right to use
Type(s) of source work(s)	any school books already printed and issued in agreement with appropriate existing laws
Entity exercising reproduction	Ministry of Education
Purpose of educational reproduction	
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 5, Translation and Reproduction of Books, Periodical and Phonograms Act
Scope of anthologies/compilations limitation/exception	duplication and copying (in the same language and form [originally] published) in works



Type(s) of source work(s)	books, periodicals and [phonograms]/audio works recorded on a record or tape or any other similar means
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	purpose of use in works related to education and academic research
Condition of anthologies/compilations limitation/exception	no profit motive  permission for copying them has already been approved by the Ministry of Culture and Islamic Guidance
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be permitted")

6. School Performances
7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Iraq

1. Treaties & Legislation

Treaties:

Berne Convention: not a party

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Order No. 83, Amendment to the Copyright Law; amending Copyright Law No. 3 of 1971 (2004)

2. Private/Personal Use

Provision	Art. 12
Scope of private/personal use	eurythmics, acting or delivery
Type(s) of source work(s)	a published work
Entity exercising private/personal use	
Purpose of private/personal use	a family gathering
Condition of private/personal use	meeting does not directly or indirectly yield a financial return
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prevent")
Provision	Art. 13
Scope of private/personal use	making one copy
Type(s) of source work(s)	a published work
Entity exercising private/personal use	
Purpose of private/personal use	for his own use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prevent")

3. Quotations

Provision	Art. 14(1)(b)
Scope of quotation	copying
Type(s) of source work(s)	works being published in planning, relieving or photographing arts
Entity exercising quotation	
Purpose of quotation	explanation of the written [sic]
Condition of quotation	copying shall be confined with what is necessary
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("It is permitted")

4. Research/Educational Reproduction

Provision	Art. 14(1)(a)
Scope of research/educational reproduction	copying
Type(s) of source work(s)	published scholarly, history, literature, science and art books
Entity exercising reproduction	
Purpose of educational reproduction	
Condition of reproduction	
Frequency/copies and limits	short extracts
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("It is permitted")

5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances

Provision	Art. 12
Scope of school performance	expression in eurythmics, acting or delivery
Type(s) of source work(s)	a published work
Entity exercising school performance	society, private club or school meeting
Purpose of school performance	
Condition of school performance	meeting does not directly or indirectly yield a financial return
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prevent")

7. Educational Broadcasts/Communications/Recordings8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

## Ireland

### 1. Treaties & Legislation

#### Treaties:

Berne Convention: October 5, 1927 (Paris Act (1971): March 2, 2005)

WIPO Copyright Treaty: March 14, 2010

WIPO Performances and Phonograms Treaty: March 14, 2010

#### Legislation:

Copyright and Related Rights Act, 2000 (No. 28 of 2000)

Copyright and Related Rights (Educational Establishments) Order, 2000 (S.I. No. 410 of 2000) (describing the educational establishments prescribed)

Copyright and Related Rights (Educational Establishments and Establishments to which Members of the Public have Access) Order, 2000 (S.I. No. 409 of 2000) (including libraries as educational establishments)

Copyright and Related Rights (Certification of Licensing Scheme for Reprographic Copying by Educational Establishments)(The Irish Copyright Licensing Agency Limited) Order 2002 (S.I. 514 of 2002) (establishing a licensing scheme by the ICLA for reprographic reproductions by educational establishments)

Copyright and Related Rights (Amendment) Act 2007 (S.I. No. 39 of 2007) (replacing ss 58, 226)

### 2. Private/Personal Use

Provision	s 50(1), (2)
Scope of private/personal use	fair dealing (including an adaptation of) <sup>1961</sup>
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, sound recording, film, broadcast, cable programme, non-electronic database, typographical arrangement
Entity exercising private/personal use	
Purpose of private/personal use	purpose of research or private study
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	<p>“person [other than researcher or student] copying knows or has reason to believe that the copying 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”<sup>1962</sup></p> <p>converting a computer program into a higher level version, or copying a computer program in</p>

<sup>1961</sup> S 106 (providing that “[i]t is not an infringement of the copyright in a work to make an adaptation of the work by any act which may otherwise be done without infringing the copyright in a work under this Chapter [i.e. ss 49 to 106]).

<sup>1962</sup> S 50(3)(b).

	an incidental manner in the course of converting it <sup>1963</sup>  making use of the source work which has already been lawfully made available to the public, "for a purpose and to an extent which will not unreasonably prejudice the interests of the owner of the copyright" <sup>1964</sup>
Subject to Attribution	
Subject to Remuneration	not required ("shall not infringe any copyright")

### 3. Quotations

Provision	s 51
Scope of quotation	fair dealing (including an adaptation of) <sup>1965</sup>
Type(s) of source work(s)	a work
Entity exercising quotation	
Purpose of quotation	criticism or review, of that or another work or of a performance of a work
Condition of quotation	reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	title (or other description), author (unless anonymous, or author unascertainable after reasonable inquiry for unpublished work) <sup>1966</sup>
Subject to Remuneration	not required ("shall not infringe any copyright")
Provision	s 221
Scope of quotation	fair dealing
Type(s) of source work(s)	a performance or recording, lawfully made available to the public
Entity exercising quotation	
Purpose of quotation	criticism or review, of that or another performance or recording
Condition of quotation	
Preclusions (not part of quotation)	purpose and to an extent which will not unreasonably prejudice the interests of the rights owner
Subject to Attribution	
Subject to Remuneration	not required ("shall not infringe any of [neighbouring] rights")

### 4. Research/Educational Reproduction

Provision	s 50(1), (2)
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<sup>1963</sup> S 50(5).

<sup>1964</sup> S 50(4).

<sup>1965</sup> S 106 (providing that "[i]t is not an infringement of the copyright in a work to make an adaptation of the work by any act which may otherwise be done without infringing the copyright in a work under this Chapter [i.e. ss 49 to 106]").

<sup>1966</sup> S 51(3) (defining "sufficient acknowledgement").

Scope of research/educational reproduction	fair dealing (including an adaptation of) <sup>1967</sup>
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, sound recording, film, broadcast, cable programme, non-electronic database, typographical arrangement
Entity exercising reproduction	
Purpose of educational reproduction	purpose of research or private study
Condition of reproduction	
Frequency/copies and limits	copying by a person other than researcher or student is not fair dealing if "person copying knows or has reason to believe that the copying 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" <sup>1968</sup>
Preclusions (not part of research/educational reproduction)	does not include converting a computer program into a higher level version, or copying a computer program in an incidental manner in the course of converting it <sup>1969</sup>  "fair dealing" means making use of the source work which has already been lawfully made available to the public, "for a purpose and to an extent which will not unreasonably prejudice the interests of the owner of the copyright" <sup>1970</sup>
Subject to Attribution	
Subject to Remuneration	not required ("shall not infringe any copyright")
Provision	s 53(1)
Scope of research/educational reproduction	copying (including an adaptation of) <sup>1971</sup>
Type(s) of source work(s)	literary, dramatic, musical or artistic work, typographical arrangement
Entity exercising reproduction	by or on behalf of a person giving or receiving the instruction
Purpose of educational reproduction	in the course of instruction, or of preparation for instruction
Condition of reproduction	not by means of a reprographic process
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>1972</sup>
Preclusions (not part of research/educational reproduction)	

<sup>1967</sup> S 106 (providing that "[i]t is not an infringement of the copyright in a work to make an adaptation of the work by any act which may otherwise be done without infringing the copyright in a work under this Chapter [i.e. ss 49 to 106]").

<sup>1968</sup> S 50(3)(b).

<sup>1969</sup> S 50(5).

<sup>1970</sup> S 50(4).

<sup>1971</sup> S 106 (providing that "[i]t is not an infringement of the copyright in a work to make an adaptation of the work by any act which may otherwise be done without infringing the copyright in a work under this Chapter [i.e. ss 49 to 106]").

<sup>1972</sup> S 53(7).

Subject to Attribution	title (or other description), author (unless anonymous, or author unascertainable after reasonable inquiry for unpublished work) <sup>1973</sup>
Subject to Remuneration	not required ("copyright ... is not infringed")

Provision	s 53(3)
Scope of research/educational reproduction	copying
Type(s) of source work(s)	sound recording, film, broadcast or cable programme, original database
Entity exercising reproduction	by or on behalf of a person giving or receiving the instruction
Purpose of educational reproduction	in the course of instruction, or of preparation for instruction
Condition of reproduction	
Frequency/copies and limits	a single copy being made  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>1974</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... is not infringed")

Provision	s 53(5)
Scope of research/educational reproduction	anything done (including an adaptation of) <sup>1975</sup>
Type(s) of source work(s)	
Entity exercising reproduction	
Purpose of educational reproduction	setting the questions, communicating the questions to the candidates, or answering the questions
Condition of reproduction	does not apply to making of a reprographic copy of a musical work for use by an examination candidate in performing the work <sup>1976</sup>
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>1977</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... is not infringed")
Provision	s 57

<sup>1973</sup> Ss 53(2)(c), 51(3) (defining "sufficient acknowledgement").

<sup>1974</sup> S 53(7).

<sup>1975</sup> S 106 (providing that "[i]t is not an infringement of the copyright in a work to make an adaptation of the work by any act which may otherwise be done without infringing the copyright in a work under this Chapter [i.e. ss 49 to 106]").

<sup>1976</sup> S 53(6).

<sup>1977</sup> S 53(7).

Scope of research/educational reproduction	reprographic copies <sup>1978</sup> (including an adaptation of) <sup>1979</sup>
Type(s) of source work(s)	passages from published literary, dramatic or musical works, typographical arrangements, original databases
Entity exercising reproduction	by or on behalf of an educational establishment
Purpose of educational reproduction	educational purpose of educational establishment
Condition of reproduction	no copying if "licencing scheme" <sup>1980</sup> certified under s 173 are available authorizing copying and person making copies knows or ought to have been aware of licences <sup>1981</sup>
Frequency/copies and limits	not more than 5% by or on behalf of an educational establishment in any calendar year  any collective licence granted which is more restrictive than this provision is void <sup>1982</sup>  reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>1983</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without infringing any copyright")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 54
Scope of anthologies/compilations limitation/exception	inclusion, in a collection (including an adaptation of) <sup>1984</sup>
Type(s) of source work(s)	a short passage of a literary, dramatic or musical work, original database, typographical arrangement which has been lawfully made available to the public
Entity exercising anthologies/compilations limitation/exception	

<sup>1978</sup> S 2(1) (defining "reprographic process" as a process for making facsimile copies or involving the use of an appliance for making multiple copies, and includes any copying by electronic means, but does not include the making of a film or sound recording).

<sup>1979</sup> S 106 (providing that "[i]t is not an infringement of the copyright in a work to make an adaptation of the work by any act which may otherwise be done without infringing the copyright in a work under this Chapter [i.e. ss 49 to 106]").

<sup>1980</sup> Special provisions exist for dealing with licences for the making of reprographic copies of works by or on behalf of educational establishments. s 168 empowers the Minister to extend the application of a licence scheme or licence to works unreasonably excluded from the scheme or licence, s 171 empowers the Minister to evaluate or assess such schemes for educational establishments, and s 172 empowers the Minister to grant a statutory licence where the recommendation for the scheme is not implemented.

<sup>1981</sup> S 57(3).

<sup>1982</sup> S 57(4).

<sup>1983</sup> S 57(5).

<sup>1984</sup> S 106 (providing that "[i]t is not an infringement of the copyright in a work to make an adaptation of the work by any act which may otherwise be done without infringing the copyright in a work under this Chapter [i.e. ss 49 to 106]").



Purpose of anthologies/compilations limitation/exception	for use in an “educational establishment” <sup>1985</sup> , or for use “in any advertisements issued by or on behalf of the publisher” [sic]
Condition of anthologies/compilations limitation/exception	collection is so described in its title and in any publisher’s advertisement <sup>1986</sup>  consists mainly of material in which no copyright subsists  work itself is not intended for use in such establishment
Frequency/copies and limits	no more than 2 excerpts from works by same author <sup>1987</sup> are contained in collections by same publisher within 5 year period <sup>1988</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title (or other description), author (unless anonymous, or author unascertainable after reasonable inquiry for unpublished work) <sup>1989</sup>
Subject to Remuneration	not required (“shall not infringe the copyright”)

## 6. School Performances

Provision	s 55(1)
Scope of school performance	performance (including an adaptation of) <sup>1990</sup>
Type(s) of source work(s)	a literary, dramatic or musical work
Entity exercising school performance	a teacher or student in the course of the activities of educational establishment, or any person at the educational establishment for purpose of instruction
Purpose of school performance	
Condition of school performance	audience limited to persons who are teachers and students at an educational establishment and other persons “directly connected” <sup>1991</sup> with its activities
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required (“is not a public performance for the purposes of infringement of copyright”)

Provision	s 55(2)
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<sup>1985</sup> S 2(1) (defining “educational establishment” as any school, university and any other educational establishment prescribed by the Minister).

<sup>1986</sup> S 54(1)(a)(ii) (reading “in any advertisements” to refer to its intended use in educational establishments).

<sup>1987</sup> S 54(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion).

<sup>1988</sup> S 54(2).

<sup>1989</sup> Ss 53(2)(c), 51(3) (defining “sufficient acknowledgement”).

<sup>1990</sup> S 106 (providing that “[i]t is not an infringement of the copyright in a work to make an adaptation of the work by any act which may otherwise be done without infringing the copyright in a work under this Chapter [i.e. ss 49 to 106]).

<sup>1991</sup> S 55(3) (“[a] person is not for this purpose directly connected with the activities of the educational establishment by reason only that he or she is the parent or guardian of a pupil in attendance at the establishment concerned.”)

Scope of school performance	playing or showing, at an educational establishment
Type(s) of source work(s)	a sound recording, film, broadcast or cable programme
Entity exercising school performance	
Purpose of school performance	purpose of instruction
Condition of school performance	audience limited to persons who are teachers and students at an educational establishment and other persons "directly connected" <sup>1992</sup> with its activities
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("is not a playing or showing of the work in public for the purposes of infringement of copyright")

Provision	ss 98, 247
Scope of school performance	play
Type(s) of source work(s)	a sound recording, <sup>1993</sup> a sound recording of a performance <sup>1994</sup>
Entity exercising school performance	
Purpose of school performance	as part of the private activities of or for the benefit of a club, society or other organisation
Condition of school performance	club, society or other organisation is not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare  proceeds of any charge for admission to the place where the sound recording is to be heard are applied solely for the purposes of the club, society or other organisation
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of the copyright/[neighbouring rights]")

Provision	s 224(1)
Scope of school performance	playing or showing
Type(s) of source work(s)	a sound recording, film, broadcast or cable programme
Entity exercising school performance	a teacher or student in the course of the activities of educational establishment, or any person for purpose of instruction

<sup>1992</sup> S 55(3) ("[a] person is not for this purpose directly connected with the activities of the educational establishment by reason only that he or she is the parent or guardian of a pupil in attendance at the establishment concerned.")

<sup>1993</sup> S 98.

<sup>1994</sup> S 247.

Purpose of school performance	
Condition of school performance	audience limited to persons who are teachers and students at an educational establishment and other persons "directly connected" <sup>1995</sup> with its activities
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not a playing or showing of a performance or a recording in public for the purposes of infringement")

## 7. Educational Broadcasts/Communications/Recordings

Provision	s 56
Scope of broadcast/communication/recording	fixation, or copy of a fixation (including an adaptation of) <sup>1996</sup>
Type(s) of source work(s)	a broadcast or cable programme
Entity exercising broadcast/communication/recording	by or on behalf of an educational establishment
Purpose of broadcast/communication/recording	for its educational purposes
Condition of broadcast/communication/recording	no recording if certified licensing scheme under s 173 provided for grant of licences
Frequency/limits of broadcast/communication/recording	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>1997</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("without infringing the copyright")
Provision	s 223(1)
Scope of broadcast/communication/recording	copying of a recording
Type(s) of source work(s)	a performance
Entity exercising broadcast/communication/recording	by or on behalf of a person giving or receiving the instruction
Purpose of broadcast/communication/recording	in the course of instruction, or of preparation for instruction
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... are not infringed")

<sup>1995</sup> S 224(2) ("[a] person is not for this purpose directly connected with the activities of the educational establishment by reason only that he or she is the parent or guardian of a pupil in attendance at the establishment concerned.")

<sup>1996</sup> S 106 (providing that "[i]t is not an infringement of the copyright in a work to make an adaptation of the work by any act which may otherwise be done without infringing the copyright in a work under this Chapter [i.e. ss 49 to 106]").

<sup>1997</sup> S 56(3).

Provision	s 223(2)
Scope of broadcast/communication/recording	copying of a recording
Type(s) of source work(s)	a performance
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	setting the questions, communicating the questions to the candidates, or answering the questions in an examination
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>1998</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... are not infringed")

Provision	s 225
Scope of broadcast/communication/recording	recording, or a copy of such a recording
Type(s) of source work(s)	a broadcast or cable programme
Entity exercising broadcast/communication/recording	by or on behalf of an educational establishment
Purpose of broadcast/communication/recording	educational purposes of educational establishment
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	recordings made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>1999</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("without infringing any of the [neighbouring] rights")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes10. Other Limitations/Exceptions

Provision	s 2(10)
Scope of other limitation/exception	any term or condition that exists in an agreement which purports to prohibit or restrict an act which is permitted under this Act (which it would otherwise infringe any of the rights conferred) is irrelevant

<sup>1998</sup> S 111223(3).<sup>1999</sup> S 225(2).

Type(s) of source work(s)	a literary, dramatic, musical or artistic work, sound recording, film, broadcast, cable programme, typographical arrangement of a published edition or an original database and includes a computer program <sup>2000</sup>
Entity entitled to limitation/exception	
Purpose of limitation/exception	
Condition of limitation/exception	
Frequency/copies and limits	
Preclusions (not part of limitation/exception)	

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<sup>2000</sup> S 2(1) (defining "work").

## Israel

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 24, 1950 (Paris Act (1971): January 1, 2004)

WIPO Copyright Treaty: signed March 25, 1997

WIPO Performances and Phonograms Treaty: signed March 25, 1997

Legislation:

Copyright Act, 2007 (as amended on July 28, 2011)

Copyright Ordinance, 1924 (last amended on November 25, 2007)<sup>2001</sup>

Copyright Regulations (Public Performance in Education Institutions), 5770-2010 (defining educational institution to permit public performance of work under s 29)

Copyright Regulations (Libraries and Archives), 5769-2008 (defining libraries and archives as referred to under s 30(a) and (b))

### 2. Private/Personal Use

Provision	s 19, Copyright Act
Scope of private/personal use	fair use
Type(s) of source work(s)	a work
Entity exercising private/personal use	
Purpose of private/personal use	purposes such as private study, research
Condition of private/personal use	to determine if use made of a work is fair, factors to be considered shall include, inter alia, all of the following: (a) the purpose and character of the use; (b) the character of the work used; (c) the scope of the use, quantitatively and qualitatively, in relation to the whole of the work; (d) the impact of the use on the value of the work and its potential market.
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	unclear <sup>2002</sup>
Subject to Remuneration	not required

Provision	s 3C, Copyright Ordinance 1924
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<sup>2001</sup> Ss 3B-3E of the Copyright Ordinance 1924 have not been repealed by s 69, Copyright Act 2007, and are still in force.

<sup>2002</sup> There are differing judicial opinions as to whether a failure to attribute the work will adversely impact the justification of such use as fair use.

Scope of private/personal use	recording or copying <sup>2003</sup> , on “recordable media” <sup>2004</sup>
Type(s) of source work(s)	a work
Entity exercising private/personal use	
Purpose of private/personal use	private and domestic, but not commercial uses
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	recording or copying on a “device intended for use in a computer” <sup>2005</sup>
Subject to Attribution	unclear <sup>2006</sup>
Subject to Remuneration	Government to compensate copyright owners and owners of performers’ rights for loss of income and violation of rights caused, by recording and copying of cassettes, an amount equal to 5% of retail price of all cassettes sold in Israel for private and domestic use during the preceding year, to be divided equally between the royalty companies representing copyright owners, performers and producers of aural works/visual works <sup>2007</sup>

### 3. Quotations

Provision	s 19, Copyright Act
Scope of quotation	fair use
Type(s) of source work(s)	a work
Entity exercising quotation	
Purpose of quotation	such as criticism, review, journalistic reporting, quotation
Condition of quotation	to take into account all factors to determine if use made of a work is fair, including: (a) the character of the work used; (b) the scope of the use, quantitatively and qualitatively, in relation to the whole of the work; (c) the purpose and character of the use; and (d) the impact of the use on the value of the work and its potential market.
Preclusions (not part of quotation)	
Subject to Attribution	unclear <sup>2008</sup>
Subject to Remuneration	not required

<sup>2003</sup> S 3B, Copyright Ordinance 1924 (defining “copying” as copying a recording or a substantial part of it).

<sup>2004</sup> S 3B, Copyright Ordinance 1924 (defining “recordable media” as a device on which there is no recording and on which an audio or video recording can be recorded, other than a device intended for use in a computer).

<sup>2005</sup> S 3B, Copyright Ordinance 1924 (defining “recordable media” as excluding a device intended for use in a computer).

<sup>2006</sup> There are differing judicial opinions as to whether a failure to attribute the work will adversely impact the justification of such use as fair use.

<sup>2007</sup> S 3D, Copyright Ordinance 1924.

<sup>2008</sup> There are differing judicial opinions as to whether a failure to attribute the work will adversely impact the justification of such use as fair use.

**4. Research/Educational Reproduction**

Provision	s 19, Copyright Act
Scope of research/educational reproduction	fair use
Type(s) of source work(s)	a work
Entity exercising reproduction	
Purpose of educational reproduction	such as private study, research, instruction and examination by an educational institution
Condition of reproduction	to take into account all factors to determine if use made of a work is fair, including: (a) the character of the work used; (b) the scope of the use, quantitatively and qualitatively, in relation to the whole of the work; (c) the purpose and character of the use; and (d) the impact of the use on the value of the work and its potential market.
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	unclear <sup>2009</sup>
Subject to Remuneration	not required

**5. Educational Publications/Anthologies/Compilations/Composite Works****6. School Performances**

Provision	s 29, Copyright Act
Scope of school performance	public performance
Type(s) of source work(s)	a work
Entity exercising school performance	employees of the "educational institution" <sup>2010</sup> , or by the students studying therein
Purpose of school performance	in the course of the educational activity of educational institutions, of the type prescribed by the Minister
Condition of school performance	audience limited to employees and students of the educational institution, the relatives of the students or other people directly connected with the activity of said institution, and to them alone
Preclusions (not part of school performance)	screening of cinematographic work is subject to provision below
Subject to Attribution	unclear <sup>2011</sup>
Subject to Remuneration	not required ("is permitted")

Provision	s 29, Copyright Act
Scope of school performance	screening

<sup>2009</sup> There are differing judicial opinions as to whether a failure to attribute the work will adversely impact the justification of such use as fair use.

<sup>2010</sup> Copyright Regulations (Public Performance in Educational Institutions), 5770-2010 (listing the types of educational institutions).

<sup>2011</sup> There are differing judicial opinions as to whether a failure to attribute the work will adversely impact the justification of such use as a permitted public performance.



Type(s) of source work(s)	a cinematographic work
Entity exercising school performance	employees of the "educational institution" <sup>2012</sup> , or by the students studying therein
Purpose of school performance	teaching and examination by an "educational institution" <sup>2013</sup>
Condition of school performance	audience limited to employees and students of the educational institution, the relatives of the students or other people directly connected with the activity of said institution, and to them alone
Preclusions (not part of school performance)	
Subject to Attribution	unclear <sup>2014</sup>
Subject to Remuneration	not required ("is permitted")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 19, Copyright Act
Scope of broadcast/communication/recording	fair use [including broadcasts, communications, recordings]
Type(s) of source work(s)	a work
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	such as research, instruction and examination by an educational institution
Condition of broadcast/communication/recording	to take into account all factors to determine if use made of a work is fair, including: (a) the character of the work used; (b) the scope of the use, quantitatively and qualitatively, in relation to the whole of the work; (c) the purpose and character of the use; and (d) the impact of the use on the value of the work and its potential market.
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	unclear <sup>2015</sup>
Subject to Remuneration	not required

#### 8. Compulsory Licences for Educational Reproductions and Translations

#### 9. TPM/RMI Exceptions for Educational Purposes

NA<sup>2016</sup>

<sup>2012</sup> Copyright Regulations (Public Performance in Educational Institutions), 5770-2010 (listing the types of educational institutions)..

<sup>2013</sup> Copyright Regulations (Public Performance in Educational Institutions), 5770-2010 (listing the types of educational institutions)..

<sup>2014</sup> There are differing judicial opinions as to whether a failure to attribute the work will adversely impact the justification of such use as a permitted public performance.

<sup>2015</sup> There are differing judicial opinions as to whether a failure to attribute the work will adversely impact the justification of such use as fair use.

<sup>2016</sup> No protection granted to TPMs and RMIs, and so no exceptions are needed.

## Italy

1. Treaties & Legislation

Treaties:

Berne Convention: December 5, 1887 (Paris Act (1971): November 14, 1979)

WIPO Copyright Treaty: March 14, 2010

WIPO Performances and Phonograms Treaty: March 14, 2010

Legislation:

Law No. 633 of April 22, 1941, for the Protection of Copyright and Neighboring Rights (as amended up to Decree-law No. 64 of April 30, 2010)

Law No. 159 of May 22, 1993 (provisions on the improper reproduction of books and repealing the levy on well-known books referred to in articles 177, 178 and 179 and the last paragraph of article 172 of Law No. 633 of April 22, 1941)

2. Private/Personal Use

Provision	Art. 68.1
Scope of private/personal use	reproduction by hand or by means of reproduction
Type(s) of source work(s)	works or of portions of works, (subject matter of related rights) <sup>2017</sup>
Entity exercising private/personal use	
Purpose of private/personal use	personal use of the reader
Condition of private/personal use	unsuitable for marketing or disseminating the work in public  any use in competition with the exploitation rights of the author is prohibited <sup>2018</sup>
Frequency/copies and limits	in a single copy  copies made may not be sold
Preclusions (not part of private/personal use)	reproduction of work/other subject matter must not be in conflict with the normal exploitation of works/other subject matter, nor unreasonably prejudice the interests of owners <sup>2019</sup>
Subject to Attribution	
Subject to Remuneration	not required ("shall be permitted")

Provision	Art. 68.3
Scope of private/personal use	reproduction (by photocopy, xerocopia or similar arrangements)
Type(s) of source work(s)	original works, (subject matter of related rights) <sup>2020</sup>

<sup>2017</sup> Art. 71-decies.1.<sup>2018</sup> Art. 68.6.<sup>2019</sup> Art. 71-nonies.1.<sup>2020</sup> Art. 71-decies.1.

Entity exercising private/personal use	
Purpose of private/personal use	for personal use
Condition of private/personal use	copies made may not be distributed to the public; any use in competition with the exploitation rights of the author is prohibited <sup>2021</sup>
Frequency/copies and limits	within the limits of the 15% of each book or journal issue, excluding advertising pages
Preclusions (not part of private/personal use)	reproduction of work/other subject matter must not be in conflict with the normal exploitation of works/other subject matter, nor unreasonably prejudice the interests of owners <sup>2022</sup>
Subject to Attribution	
Subject to Remuneration	fee payable by managers of reproduction centres that make available photocopy or similar reproduction systems (the measure of compensation and mechanism of collection and distribution to be according to Art. 181ter), to publishers of published print works <sup>2023</sup>
Provision	Art. 71-sexies
Scope of private/personal use	reproduction
Type(s) of source work(s)	soundrecording and videograms on any medium, (neighbouring rights: phonograms, cinematographic or audiovisual works, broadcasts, performances) <sup>2024</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	exclusively for personal use
Condition of private/personal use	non-profit and not-for direct or indirect commercial scope  respecting protection of technological measures  reproduction cannot be carried out by third parties <sup>2025</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	playback of soundrecordings and videograms by an individual for personal use constitutes reproduction activity <sup>2026</sup>  works or protected materials made available to the public so that everyone can access them from a place and at a time individually chosen, when the work is protected by technological measures or when access is allowed on the basis of contractual agreements <sup>2027</sup>

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<sup>2021</sup> Art. 68.6.

<sup>2022</sup> Art. 71-nonies.1.

<sup>2023</sup> Art. 68.4.

<sup>2024</sup> Art. 71-decies.1.

<sup>2025</sup> Art. 71sexies.2.

<sup>2026</sup> Art. 71sexies.2.

<sup>2027</sup> Art. 71sexies.3.

	reproduction of work/other subject matter must not be in conflict with the normal exploitation of works/other subject matter, nor unreasonably prejudice the interests of owners <sup>2028</sup>
Subject to Attribution	
Subject to Remuneration	compensation for media and equipment exclusively for analog or digital recording of soundrecording or videograms (including multipurpose devices), payable by producer/importer and collected by Italian Society of Authors and Publishers for distribution to authors, producers, publishers and performers <sup>2029</sup>

### 3. Quotations

Provision	Art. 70
Scope of quotation	abridgment, quotation or reproduction, and communication to the public
Type(s) of source work(s)	fragments or parts of a work, (neighbouring rights: phonograms, cinematographic or audiovisual works, broadcasts, performances) <sup>2030</sup>
Entity exercising quotation	
Purpose of quotation	criticism or discussion
Condition of quotation	within the limits justified for such purposes provided that there is no competition with the economic exploitation of the work
Preclusions (not part of quotation)	abridgment, quotation or reproduction of work/other subject matter must not be in conflict with the normal exploitation of works/other subject matter, nor unreasonably prejudice the interests of owners <sup>2031</sup>
Subject to Attribution	title, author, publisher, translator (for translation) (if available) <sup>2032</sup>
Subject to Remuneration	not required ("are free")

### 4. Research/Educational Reproduction

Provision	Art. 70
Scope of research/educational reproduction	abridgment, quotation or reproduction, and communication to the public
Type(s) of source work(s)	fragments or parts of a work, (neighbouring rights: phonograms, cinematographic or audiovisual works, broadcasts, performances) <sup>2033</sup>

<sup>2028</sup> Art. 71-nonies.1.

<sup>2029</sup> Art. 71-septies. For the allocation distribution, see Art. 710octies.

<sup>2030</sup> Art. 71-decies.1.

<sup>2031</sup> Art. 71-nonies.1.

<sup>2032</sup> Art. 70.3.

<sup>2033</sup> Art. 71-decies.1.

Entity exercising reproduction	
Purpose of educational reproduction	teaching or scientific research
Condition of reproduction	use must also be for illustrative purposes and for non-commercial purposes
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	abridgment, quotation or reproduction of work/other subject matter must not be in conflict with the normal exploitation of works/other subject matter, nor unreasonably prejudice the interests of owners <sup>2034</sup>
Subject to Attribution	title, author, publisher, translator (for translation) (if available) <sup>2035</sup>
Subject to Remuneration	not required ("shall be permitted")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 70.2
Scope of anthologies/compilations limitation/exception	anthologies
Type(s) of source work(s)	works, (neighbouring rights: phonograms, cinematographic or audiovisual works, broadcasts, performances) <sup>2036</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	school use
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	reproduction shall not exceed the extent specified in the regulations
Preclusions (not part of anthologies/compilations limitation/exception)	reproduction of work/other subject matter must not be in conflict with the normal exploitation of works/other subject matter, nor unreasonably prejudice the interests of owners <sup>2037</sup>
Subject to Attribution	title, author, publisher, translator (for translation) (if available) <sup>2038</sup>
Subject to Remuneration	equitable remuneration for such reproduction set out in regulations

Provision	Art. 91
Scope of anthologies/compilations limitation/exception	reproduction in anthologies
Type(s) of source work(s)	photographs
Entity exercising anthologies/compilations limitation/exception	

<sup>2034</sup> Art. 71-nonies.1.

<sup>2035</sup> Art, 70.3.

<sup>2036</sup> Art. 71-decies.1.

<sup>2037</sup> Art. 71-nonies.1.

<sup>2038</sup> Art, 70.3.

Purpose of anthologies/compilations limitation/exception	school use, and in general, in scientific or didactic works
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	reproduction of work/other subject matter must not be in conflict with the normal exploitation of works/other subject matter, nor unreasonably prejudice the interests of owners <sup>2039</sup>
Subject to Attribution	phonographer, year of production (if given on original photograph)
Subject to Remuneration	equitable remuneration as set out in regulations

6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	Art. 70.1bis
Scope of broadcast/communication/recording	publication through the Internet
Type(s) of source work(s)	images and music at low resolution or degraded, (neighbouring rights: phonograms, cinematographic or audiovisual works, broadcasts, performances) <sup>2040</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching or scientific purposes
Condition of broadcast/communication/recording	not for profit
Frequency/limits of broadcast/communication/recording	limits to the use for educational or scientific purposes to be defined by Decree of the Minister for Culture and Heritage
Preclusions (not part of broadcast/communication/recording)	publication of work/other subject matter must not be in conflict with the normal exploitation of works/other subject matter, nor unreasonably prejudice the interests of owners <sup>2041</sup>
Subject to Attribution	title, author, publisher, translator (for translation) (if available) <sup>2042</sup>
Subject to Remuneration	not required ("It is allowed")

Provision	Art. 71ter
Scope of broadcast/communication/recording	communicate or make available to identified individuals, on terminals having such a unique function within the premises of publicly accessible libraries, educational establishments, museums and the archives

<sup>2039</sup> Art. 71-nonies.1.<sup>2040</sup> Art. 71-decies.1.<sup>2041</sup> Art. 71-nonies.1.<sup>2042</sup> Art. 70.3 (assuming that publication through the Internet involves an abridgment, quotation or reproduction).

Type(s) of source work(s)	works, (neighbouring rights: phonograms, cinematographic or audiovisual works, broadcasts, performances) <sup>2043</sup>
Entity exercising broadcast/communication/recording	accessible libraries, educational establishments, museums and the archives
Purpose of broadcast/communication/recording	purpose of research or private study
Condition of broadcast/communication/recording	limited to works or other materials contained in their collections  not subject to constraints arising from acts of sale or license
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	communication/making available of work/other subject matter must not be in conflict with the normal exploitation of works/other subject matter, nor unreasonably prejudice the interests of owners <sup>2044</sup>
Subject to Attribution	
Subject to Remuneration	not required ("It is allowed")

#### 8. Compulsory Licences for Educational Reproductions and Translations

#### 9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 71quinquies.2
Scope of TPM/RMI restriction	rightholder who used technological measures in respect of his work to adopt appropriate solutions, including the conclusion of appropriate agreements with associations representing "beneficiaries" the benefit of certain exceptions
Type(s) of source work(s)	protected works or materials to which beneficiaries have legitimate access for their use, excluding works/materials made available to the public so that everyone can have access to it from the place or at the time chosen individually, when that access takes place on the basis of contractual agreements <sup>2045</sup>
Beneficiary exercising restriction	"beneficiaries": users who reproduce work/materials for, <i>inter alia</i> , personal use (Art. 68), for criticism or discussion, teaching or scientific research (Art. 70.1)
Purpose of restriction	to the extent necessary and to have legal access to the protected work or subject-matter
Condition of restriction	at express request of beneficiaries

<sup>2043</sup> Art. 71-decies.1.

<sup>2044</sup> Art. 71-nonies.1.

<sup>2045</sup> Art. 71quinquies.3.

	subject to payment of fair compensation whenever required
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Provision	Art. 71sexies.4
Scope of TPM/RMI restriction	rightholder who used technological measures in respect of his work/material to ensure that natural person as beneficiary can make a private copy for personal use
Type(s) of source work(s)	copy of protected works or materials to which beneficiary has acquired lawful possession or has legitimate access
Beneficiary exercising restriction	"beneficiaries": natural person
Purpose of restriction	making a private copy, even analog, for personal use
Condition of restriction	provided that this does not conflict with a normal exploitation of the work or other subject matter and do not unreasonably prejudice the rightsholders



## Jamaica

### 1. Treaties & Legislation

Treaties:

Berne Convention: January 1, 1994 (Paris Act (1971): January 1, 1994)

WIPO Copyright Treaty: June 12, 2002

WIPO Performances and Phonograms Treaty: June 12, 2002

Legislation:

Copyright Act - Act 5 of 1993

Copyright (Educational Establishments) Order, 1993 (defining an educational establishment as including institution providing tertiary education)

### 2. Private/Personal Use

Provision	ss 52, 54
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, typographical arrangement of a published edition, (an adaptation of a literary, dramatic or musical work) <sup>2046</sup>
Entity exercising private/personal use	
Purpose of private/personal use	research or private study
Condition of private/personal use	to determine if act done in relation to a work constitutes fair dealing, court shall take account of all factors which appear to it to be relevant, including: (a) the nature of the work in question; (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work; (c) the purpose and character of the use; and (d) the effect of the act upon the potential market for, or the commercial value of, the work. <sup>2047</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

### 3. Quotations

Provision	ss 53, 54
Scope of quotation	fair dealing

<sup>2046</sup> S 85.

<sup>2047</sup> S 54.

Type(s) of source work(s)	a protected work, (an adaptation of a literary, dramatic or musical work) <sup>2048</sup>
Entity exercising quotation	
Purpose of quotation	criticism or review of that or another work or of a performance of a work
Condition of quotation	to determine if act done in relation to a work constitutes fair dealing, court shall take account of all factors which appear to it to be relevant, including: (a) the nature of the work in question; (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work; (c) the purpose and character of the use; and (d) the effect of the act upon the potential market for, or the commercial value of, the work. <sup>2049</sup>
Preclusions (not part of quotation)	
Subject to Attribution	title (or other description), author (unless published anonymously or author's identity unascertainable by reasonable inquiry) <sup>2050</sup>
Subject to Remuneration	not required ("does not infringe copyright")

Provision	ss 116, 54
Scope of quotation	fair dealing
Type(s) of source work(s)	a performance or recording
Entity exercising quotation	
Purpose of quotation	criticism or review of that or another performance/recording or of a work
Condition of quotation	to determine if act done in relation to a work constitutes fair dealing, court shall take account of all factors which appear to it to be relevant, including: (a) the nature of the work in question; (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work; (c) the purpose and character of the use; and (d) the effect of the act upon the potential market for, or the commercial value of, the work. <sup>2051</sup>
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe any of the [neighbouring] rights")

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<sup>2048</sup> S 85.

<sup>2049</sup> S 54.

<sup>2050</sup> S 51.

<sup>2051</sup> S 54.

4. Research/Educational Reproduction

Provision	s 56(1)
Scope of research/educational reproduction	copy (non-reprographic process)
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, (an adaptation of a literary, dramatic or musical work) <sup>2052</sup>
Entity exercising reproduction	a person giving or receiving instructions
Purpose of educational reproduction	in the course of instruction or of preparation for instruction
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>2053</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")

Provision	s 56(3)
Scope of research/educational reproduction	anything done
Type(s) of source work(s)	a work, (an adaptation of a literary, dramatic or musical work) <sup>2054</sup>
Entity exercising reproduction	
Purpose of educational reproduction	an examination by way of setting the questions, communicating the questions to candidates or answering the questions
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>2055</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")

Provision	s 59
Scope of research/educational reproduction	reprographic copies
Type(s) of source work(s)	passages from published literary, dramatic or musical works, (adaptations of literary, dramatic or musical works) <sup>2056</sup>
Entity exercising reproduction	made by or on behalf of an educational establishment
Purpose of educational reproduction	instruction

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<sup>2052</sup> S 85.

<sup>2053</sup> S 60(1).

<sup>2054</sup> S 85.

<sup>2055</sup> S 60(1).

<sup>2056</sup> S 85.

Condition of reproduction	no copying if, or to extent of, licences are available authorizing copying and person making copies knows or ought to have been aware of licences <sup>2057</sup>  any term of a 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 <sup>2058</sup>
Frequency/copies and limits	not more than 5% of any work by or on behalf of an educational establishment in any quarter  reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>2059</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without infringing any copyright")

Provision	s 118(1)
Scope of research/educational reproduction	copy
Type(s) of source work(s)	a recording of a performance
Entity exercising reproduction	a person giving or receiving instructions
Purpose of educational reproduction	in the course of instruction or of preparation for instruction, in the making of films or film sound-tracks
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>2060</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... are not infringed")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 57
Scope of anthologies/compilations limitation/exception	inclusion, in a collection
Type(s) of source work(s)	a short passage of a published literary or dramatic work, (an adaptation of a literary, dramatic work) <sup>2061</sup>

<sup>2057</sup> S 59(3).

<sup>2058</sup> S 59(4).

<sup>2059</sup> S 60(1).

<sup>2060</sup> S 118(3).

<sup>2061</sup> S 85.

Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for use in educational establishments
Condition of anthologies/compilations limitation/exception	collection is so described in its title and in any publisher's advertisement  collection consists mainly of material in which no copyright subsists,  work itself was not published for use of educational establishments
Frequency/copies and limits	no more than 2 excerpts from works by same author <sup>2062</sup> are contained in collections by same publisher within 5 year period <sup>2063</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title (or other description), author (unless anonymous or author's identity unascertainable by reasonable inquiry) <sup>2064</sup>
Subject to Remuneration	not required ("does not infringe copyright")

## 6. School Performances

Provision	ss 79, 123
Scope of school performance	play
Type(s) of source work(s)	a sound recording
Entity exercising school performance	a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare
Purpose of school performance	as part of the activities of, or for the benefit of [entity]
Condition of school performance	proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of the copyright/[neighbouring rights]")

<sup>2062</sup> S 57(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion).

<sup>2063</sup> S 57(2).

<sup>2064</sup> S 51.

7. Educational Broadcasts/Communications/Recordings

Provision	s 119
Scope of broadcast/communication/recording	recording, or a copy of such recording
Type(s) of source work(s)	a broadcast or cable programme
Entity exercising broadcast/communication/recording	by or on behalf of an educational establishment
Purpose of broadcast/communication/recording	educational purposes of educational establishment
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	recording made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>2065</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("without ... infringing any of the [neighbouring] rights")
Provision	s 58
Scope of broadcast/communication/recording	a recording, or a copy of such a recording
Type(s) of source work(s)	a broadcast or cable programme
Entity exercising broadcast/communication/recording	made by or on behalf of an educational establishment
Purpose of broadcast/communication/recording	educational purposes of that establishment
Condition of broadcast/communication/recording	not applicable if or to the extent there is a s 102 certified licensing scheme applicable <sup>2066</sup>
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("infringing the copyright in the broadcast or cable programme or in any work included")
Provision	s 56(2)
Scope of broadcast/communication/recording	making a film or film sound-track
Type(s) of source work(s)	a sound recording, film, broadcast or cable programme
Entity exercising broadcast/communication/recording	a person giving or receiving instruction
Purpose of broadcast/communication/recording	in the course of instruction, or of preparation for instruction, in the making of films or film sound-tracks

<sup>2065</sup> S 119(2).<sup>2066</sup> S 58(2).

Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>2067</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")

Provision	s 118(2)
Scope of broadcast/communication/recording	copying of a recording of, or anything done
Type(s) of source work(s)	a performance
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	an examination by way of setting the questions, communicating the questions to candidates or answering the questions
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>2068</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... are not infringed")

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

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<sup>2067</sup> S 60(1).

<sup>2068</sup> Sch. 2, para. 4(3S 60(1)).

## Japan

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 15, 1899 (Paris Act (1971): April 24, 1975)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: October 9, 2002

Legislation:

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

### 2. Private/Personal Use

Provision	Art. 30
Scope of private/personal use	reproduction (by user), translation, musical arrangement, transformation, and adaptation (by user) <sup>2069</sup>
Type(s) of source work(s)	a work forming the subject matter of copyright, (a performance, phonogram, broadcast, wire diffusion which is subject matter of neighbouring rights) <sup>2070</sup>
Entity exercising private/personal use	a user
Purpose of private/personal use	personal use, family use or other similar uses within a limited circle ("private use")
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	(i) reproduction made by means of automatic reproducing machines placed for use by the public; (ii) reproduction is knowingly made by circumvention of technological protection measures; (iii) infringing digital sound or visual recording is knowingly made upon reception of interactive transmission <sup>2071</sup>
Subject to Attribution	
Subject to Remuneration	a reasonable amount of compensation payable by manufacturer or importer of sound or visual recording machines or media (as specified by Cabinet Order) <sup>2072</sup> to designated association, for distribution to copyright owners <sup>2073</sup>

### 3. Quotations

<sup>2069</sup> Art. 43(i).

<sup>2070</sup> Art. 102(1).

<sup>2071</sup> Art. 30(1)(i)-(iii).

<sup>2072</sup> Art. 30(2) (excluding a) machines having special efficiency generally not for private use but for business use, such as that for broadcasting, and b) machines having sound or visual recording functions incidental to the primary functions, such as telephones with sound recording function).

<sup>2073</sup> See Chapter V generally.



Provision	Art. 32(1)
Scope of quotation	quotations, translation of quotations <sup>2074</sup>
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast, wire diffusion which is subject matter of neighbouring rights) <sup>2075</sup> already made public
Entity exercising quotation	
Purpose of quotation	purposes such as criticism or research
Condition of quotation	making is compatible with fair practice extent does not exceed that justified by purpose
Preclusions (not part of quotation)	
Subject to Attribution	source (must be clearly indicated in manner and to extent deemed reasonable <sup>2076</sup> ), author unless anonymous <sup>2077</sup> (provided, in the case of neighbouring rights, that standard practice so requires,) <sup>2078</sup>
Subject to Remuneration	not required ("It shall be permissible")

#### 4. Research/Educational Reproduction

Provision	Art. 35(1)
Scope of research/educational reproduction	reproduce, (translation, musical arrangement, transformation, and adaptation) <sup>2079</sup>
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast, wire diffusion which is subject matter of neighbouring rights) <sup>2080</sup> already made public
Entity exercising reproduction	a person in charge of teaching and those who are taught in a school or other educational institutions (except those institutions established for profit-making)
Purpose of educational reproduction	if necessary for the purpose of use in the course of lessons
Condition of reproduction	
Frequency/copies and limits	to the extent deemed necessary for the purpose of use in the course of lessons
Preclusions (not part of research/educational reproduction)	reproduction does not unreasonably prejudice the interests of the copyright owner in the light of the nature and the purpose of the work as well as the number of copies and the form of reproduction
Subject to Attribution	source (must be clearly indicated in manner and to extent deemed reasonable <sup>2081</sup> ), author unless anonymous <sup>2082</sup>

<sup>2074</sup> Art. 43(ii).

<sup>2075</sup> Art. 102(1).

<sup>2076</sup> Art. 48(1)(i).

<sup>2077</sup> Art. 48(2).

<sup>2078</sup> Art. 102(2).

<sup>2079</sup> Art. 43(i).

<sup>2080</sup> Art. 102(1).

<sup>2081</sup> Art. 48(1)(iii).

<sup>2082</sup> Art. 48(2).

Subject to Remuneration	not required ("may reproduce a work")
Provision	Art. 36
Scope of research/educational reproduction	reproduce, translate <sup>2083</sup>
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast, wire diffusion which is subject matter of neighbouring rights) <sup>2084</sup> already made public
Entity exercising reproduction	
Purpose of educational reproduction	as questions for an entrance examination or other examinations of knowledge or skill, or such examination for a license
Condition of reproduction	
Frequency/copies and limits	to the extent deemed necessary for such purpose;
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source (must be clearly indicated in manner and to extent deemed reasonable <sup>2085</sup> ), author unless anonymous <sup>2086</sup>
Subject to Remuneration	person who makes such reproduction for profit-making purposes shall pay compensation (the amount of which corresponds to an ordinary rate of royalty) to the copyright owner <sup>2087</sup>  otherwise: not required ("to the copyright owner")

##### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 33
Scope of anthologies/compilations limitation/exception	reproduce, in "school textbooks" <sup>2088</sup> and testbooks intended for correspondence courses of senior high school education, guidance books of school textbooks intended for teachers, <sup>2089</sup> (translation, musical arrangement, transformation, and adaptation of reproduction) <sup>2090</sup>
Type(s) of source work(s)	works already made public
Entity exercising anthologies/compilations limitation/exception	

<sup>2083</sup> Art. 43(ii).

<sup>2084</sup> Art. 102(1).

<sup>2085</sup> Art. 48(1)(iii).

<sup>2086</sup> Art. 48(2).

<sup>2087</sup> Art. 36(2).

<sup>2088</sup> Art. 33(1) (defining "school textbooks" as textbooks authorized by the Minister of Education and Science or those compiled under the authorship of the Ministry of Education and Science to be used for the education of children or pupils in primary schools, junior or senior high schools or other similar schools; the same shall apply hereinafter).

<sup>2089</sup> Art. 33(4).

<sup>2090</sup> Art. 43(i).

Purpose of anthologies/compilations limitation/exception	purpose of school education
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	to extent deemed necessary
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source (must be clearly indicated in manner and to extent deemed reasonable <sup>2091</sup> ), author unless anonymous <sup>2092</sup>
Subject to Remuneration	person who makes reproduction shall inform author and pay amount fixed by Commissioner of Agency for Cultural Affairs (taking into account purpose of provision, nature and purpose of work, ordinary rate of royalty and other conditions) to copyright owner compensation

#### 6. School Performances

Provision	Art. 38(1)
Scope of school performance	publicly perform, present and recite, to audience or spectators
Type(s) of source work(s)	a work already made public
Entity exercising school performance	
Purpose of school performance	for non-profit-making purposes
Condition of school performance	without charging any fees  performers or reciters are not paid any remuneration for such performance, presentation or recitation
Preclusions (not part of school performance)	
Subject to Attribution	source (must be clearly indicated in manner and to extent deemed reasonable <sup>2093</sup> ), author unless anonymous <sup>2094</sup>
Subject to Remuneration	not required ("It shall be permissible")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 34
Scope of broadcast/communication/recording	broadcast or diffuse by wire, in broadcasting programs or wire diffusion programs which conform to the curriculum standards provided for in regulations on school education, or make interactive transmission of such work

<sup>2091</sup> Art. 48(1)(i).

<sup>2092</sup> Art. 48(2).

<sup>2093</sup> Art. 48(1)(iii).

<sup>2094</sup> Art. 48(2).

	simultaneously upon receiving such broadcasts, exclusively for purpose of reception within service areas intended for by such broadcasting, (translation, musical arrangement, transformation, and adaptation of broadcast/diffusion/interactive transmission) <sup>2095</sup>
Type(s) of source work(s)	a work already made public
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	purpose of school education
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	to extent deemed necessary for purpose of school education
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source (must be clearly indicated in manner and to extent deemed reasonable <sup>2096</sup> ), author unless anonymous <sup>2097</sup>
Subject to Remuneration	person to makes such exploitation to inform author and pay a reasonable amount of compensation to copyright owner <sup>2098</sup>

Provision	Art. 35(2)
Scope of broadcast/communication/recording	public transmission (including the making transmittable in the case of interactive transmission), (translation, musical arrangement, transformation, and adaptation of public transmission) <sup>2099</sup>
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast, wire diffusion which is subject matter of neighbouring rights) <sup>2100</sup> offered or made public to those who take lessons directly I the course of lessons in educational institutions in Art. 35(1), or exploitation of a work already made public by publicly performing, presenting or reciting it in accordance with Art. 38(1)
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	[instructional purposes]
Condition of broadcast/communication/recording	

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<sup>2095</sup> Art. 43(i).

<sup>2096</sup> Art. 48(1)(ii).

<sup>2097</sup> Art. 48(2).

<sup>2098</sup> Art. 34(2).

<sup>2099</sup> Art. 43(i).

<sup>2100</sup> Art. 102(1).

Frequency/limits of broadcast/communication/recording	reception by those who take lessons at the same time at a place other than that where such lessons are given
Preclusions (not part of broadcast/communication/recording)	such transmission does not unreasonably prejudice the interests of copyright owner in the light of the nature and purpose of the work as well as form of transmission
Subject to Attribution	source (must be clearly indicated in manner and to extent deemed reasonable <sup>2101</sup> ), author unless anonymous <sup>2102</sup>
Subject to Remuneration	not required ("it shall be permissible")

Provision	Art. 36
Scope of broadcast/communication/recording	make the public transmission (excluding the broadcasting or wire diffusion, and including the making transmittable in the case of the interactive transmission), translation of public transmission <sup>2103</sup>
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast, wire diffusion which is subject matter of neighbouring rights) <sup>2104</sup> already made public
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	as questions for an entrance examination or other examinations of knowledge or skill, or such examination for a license
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	to the extent deemed necessary for such purpose
Preclusions (not part of broadcast/communication/recording)	such transmission does not unreasonably prejudice the interests of the copyright owner in the light of the nature and the purpose of the work as well as the form of the transmission
Subject to Attribution	source (must be clearly indicated in manner and to extent deemed reasonable <sup>2105</sup> ), author unless anonymous <sup>2106</sup>
Subject to Remuneration	person who makes such public transmission for profit-making purposes shall pay to the copyright owner compensation the amount of which corresponds to an ordinary rate of royalty <sup>2107</sup>  otherwise: not required ("It shall be permissible")

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<sup>2101</sup> Art. 48(1)(iii).

<sup>2102</sup> Art. 48(2).

<sup>2103</sup> Art. 43(ii).

<sup>2104</sup> Art. 102(1).

<sup>2105</sup> Art. 48(1)(iii).

<sup>2106</sup> Art. 48(2).

<sup>2107</sup> Art. 36(2).

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Jordan

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 28, 1999 (Paris Act (1971): July 28, 1999)

WIPO Copyright Treaty: April 27, 2004

WIPO Performances and Phonograms Treaty: May 24, 2004

Legislation:

Law No. 22 of 1992 on Copyright and its Amendments up to 2005

Law No. 23 of 2014 Amending Copyright Protection Law (in Arabic) (June 1, 2014)

### 2. Private/Personal Use

Provision	Art. 17(a)
Scope of private/personal use	presenting, exhibiting, accounting, performing or musically playing
Type(s) of source work(s)	a work
Entity exercising private/personal use	
Purpose of private/personal use	private family meeting
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	such use does not conflict with the normal exploitation of the work and does not otherwise unreasonably prejudice the legitimate interests of the right holder
Subject to Attribution	title, author (if available)
Subject to Remuneration	not required ("without the author's permission")

Provision	Art. 17(b)
Scope of private/personal use	use by reproduction, recording, photographing, translation or musical distribution
Type(s) of source work(s)	a work
Entity exercising private/personal use	
Purpose of private/personal use	private personal use
Condition of private/personal use	
Frequency/copies and limits	one copy
Preclusions (not part of private/personal use)	such use does not conflict with the normal exploitation of the work and does not otherwise unreasonably prejudice the legitimate interests of the right holder
Subject to Attribution	
Subject to Remuneration	not required ("without the author's permission")

### 3. Quotations

Provision	Art 17(d)
Scope of quotation	quoting paragraphs, in another work

Type(s) of source work(s)	a work
Entity exercising quotation	
Purpose of quotation	illustration, discussion, criticism, culturing or examination
Condition of quotation	within limits which justify this purpose
Preclusions (not part of quotation)	such use does not conflict with the normal exploitation of the work and does not otherwise unreasonably prejudice the legitimate interests of the right holder
Subject to Attribution	title, author
Subject to Remuneration	not required ("without the author's permission")

#### 4. Research/Educational Reproduction

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 17(c)
Scope of anthologies/compilations limitation/exception	illustration through publications
Type(s) of source work(s)	a work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	educational, cultural, religious or vocational purposes
Condition of anthologies/compilations limitation/exception	within the parameters necessary for achieving these purposes  "relying on this work in this case does not aim to achieve any financial gain"
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	such use does not conflict with the normal exploitation of the work and does not otherwise unreasonably prejudice the legitimate interests of the right holder
Subject to Attribution	title, author
Subject to Remuneration	not required ("without the author's permission")

#### 6. School Performances

Provision	Art. 17(a)
Scope of school performance	presenting, exhibiting, accounting, performing or musically playing
Type(s) of source work(s)	a work
Entity exercising school performance	
Purpose of school performance	in an educational, cultural or social institute by way of illustration for educational purposes
Condition of school performance	
Preclusions (not part of school performance)	such use does not conflict with the normal exploitation of the work and does not otherwise unreasonably prejudice the legitimate interests of the right holder
Subject to Attribution	title, author (if available)



Subject to Remuneration	not required ("without the author's permission")
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#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 17(c)
Scope of broadcast/communication/recording	illustration through programs and sound, audio and visual recordings
Type(s) of source work(s)	a work
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	educational, cultural, religious or vocational purposes
Condition of broadcast/communication/recording	"relying on this work in this case does not aim to achieve any financial gain"
Frequency/limits of broadcast/communication/recording	within the parameters necessary for achieving these purposes
Preclusions (not part of broadcast/communication/recording)	such use does not conflict with the normal exploitation of the work and does not otherwise unreasonably prejudice the legitimate interests of the right holder
Subject to Attribution	title, author
Subject to Remuneration	not required ("without the author's permission")

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 11(a)
Nature of compulsory licence for translation for educational purposes	non-transferable inclusive licence, for translation into Arabic and publication
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>2108</sup> probably no digital dissemination <sup>2109</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration lapsed after Oct 10, 2014
Type(s) of source work(s)	any foreign work published in a printed form or any other form
Licence applicant/entity	any Jordanian citizen
Purpose of licence	purpose of school or university education or research <sup>2110</sup>
Condition of licence	licence application may be made: 3 years from first publication  work has not been previously translated into Arabic by owner of translation right or with his approval "or in the case the translated copies have been consumed" <sup>2111</sup>
Compulsory licence fee(s)	original author entitled to just compensation compatible with the standards of the monetary

<sup>2108</sup> Art. 11(a) (referring to publication in "printed form or any other similar form").

<sup>2109</sup> Art. 9 (separating the right of distribution through sale or any other title transferring disposal, and conveying the work to the public by reciting, announcing, exhibiting, or performing the same or by radio, television, cinematographic broadcasting or any other means).

<sup>2110</sup> Art. 11(c).

<sup>2111</sup> Art. 11(a) [sic].

	rights of the author which are prevalent in voluntary license contracts between people in the Kingdom and between people in the author's country <sup>2112</sup>
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Minister or the person authorized by him
Provision	Art. 11(b)
Nature of compulsory licence for translation for educational purposes	non-transferable inclusive licence, for reproduction and and publication
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>2113</sup> probably no digital dissemination <sup>2114</sup>
Facilities provided in Paris Act, Appendix	???
Type(s) of source work(s)	any foreign work published in a printed form or any other form
Licence applicant/entity	any Jordanian citizen
Purpose of licence	purpose of school or university education or research <sup>2115</sup>
Condition of licence	licence application may be made: works of technology, natural sciences, physics or mathematics - 3 years from first publication, or poetic, theatrical, musical works, art books and novels - 7 years from first publication, or any other work - 5 years from first publication  work has not been previously distributed in Jordan to fulfill the needs of the general public or school or university education through the owner of the right of reproduction or with his approval and at a price compatible with the prices of similar works in Jordan
Compulsory licence fee(s)	original author entitled to just compensation compatible with the standards of the monetary rights of the author which are prevalent in voluntary license contracts between people in the Kingdom and between people in the author's country <sup>2116</sup>
Price of publication	published copies be sold in accordance with the provisions of this clause at a price equal to or less than "a price compatible with the prices of similar works in Jordan"
Distribution conditions	
Grantor of compulsory licence	Minister or the person authorized by him

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<sup>2112</sup> Art. 11(d).

<sup>2113</sup> Art. 11(a) (referring to publication in "printed form or any other similar form").

<sup>2114</sup> Art. 9 (separating the right of distribution through sale or any other title transferring disposal, and conveying the work to the public by reciting, announcing, exhibiting, or performing the same or by radio, television, cinematographic broadcasting or any other means).

<sup>2115</sup> Art. 11(c).

<sup>2116</sup> Art. 11(d).

9. TPM/RMI Exceptions for Educational Purposes

## Kazakhstan

### 1. Treaties & Legislation

Treaties:

Berne Convention: April 12, 1999 (Paris Act (1971): April 12, 1999)

WIPO Copyright Treaty: November 12, 2004

WIPO Performances and Phonograms Treaty: November 12, 2004

Legislation:

Law of the Republic of Kazakhstan No. 6-I of June 10, 1996, on Copyright and Related Rights (as amended up to Law of the Republic of Kazakhstan No. 419-V of November 24, 2015)

### 2. Private/Personal Use

Provision	Art. 18
Scope of private/personal use	reproduce
Type(s) of source work(s)	legally published works
Entity exercising private/personal use	a natural person
Purpose of private/personal use	personal use
Condition of private/personal use	without getting profits (except for cases stipulated by Art. 26)
Frequency/copies and limits	a single copy
Preclusions (not part of private/personal use)	works of architecture in the form of buildings and similar constructions, reprographic reproduction of books (in full) and musical texts, databases or their significant parts, electronic computer programs <sup>2117</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without paying out royalties ")

Provision	Arts. 26, 41.1(4)
Scope of private/personal use	reproduce
Type(s) of source work(s)	audio-visual work, phonogram/sound recording  performance, production, program of on-air or cable broadcasting organization, their records and phonogram reproduction
Entity exercising private/personal use	
Purpose of private/personal use	personal use
Condition of private/personal use	without profiting
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	

<sup>2117</sup> Art. 24 (excepting use of the computer program, backup/archival purposes and for interoperability).

Subject to Remuneration	remuneration paid by manufacturer or importer of "equipment and material devices" <sup>2118</sup> used for such reproduction, the amount and terms of payment to be concluded between manufacturers/importers and collecting societies, to be collected and distributed by collecting societies, for authors (40%), performers (30%), producers of audiovisual works and phonograms (30%) (unless agreement between collecting societies provides otherwise) <sup>2119</sup>
Provision	Arts. 41.2
Scope of private/personal use	use of (a) reproduction of (b)
Type(s) of source work(s)	(a) transmission of the on-air or cable broadcasting organization and its recordings (b) phonograms
Entity exercising private/personal use	
Purpose of private/personal use	exclusively for personal use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	reproduction of phonograms: remuneration paid by producer or importer of equipment and material carriers used for such reproduction, the amount and terms of payment to be concluded between manufacturers/importers and collecting societies, to be collected and distributed by collecting societies, for authors (40%), performers (30%), producers of audiovisual works and phonograms (30%) (unless agreement between collecting societies provides otherwise)  others: not required ("allowed without the consent")

### 3. Quotations

Provision	Arts. 19(1), 41.1(4)
Scope of quotation	cite in the original or in translation
Type(s) of source work(s)	legally published works, including reproduction of extracts from newspaper and magazine articles in the form of periodical reviews

<sup>2118</sup> Art. 26.6 (excluding equipment and material carriers which are the subject of export as well as professional equipment not intended for home use).

<sup>2119</sup> Art. 26.2-26.5.

	performance, production, program of on-air or cable broadcasting organization, their records and phonogram reproduction
Entity exercising quotation	
Purpose of quotation	for debate, criticism <sup>2120</sup>
Condition of quotation	in the size needed for the quotation
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without paying out royalties"/"without remuneration")

Provision	Art. 19(1)
Scope of quotation	quotation in the original or in translation
Type(s) of source work(s)	lawfully published works in the volume needed for the quotation, including reproduction of extracts from newspaper and magazine articles in press reviews
Entity exercising quotation	
Purpose of quotation	for scientific, research purposes
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of an author's remuneration")

#### 4. Research/Educational Reproduction

Provision	Art. 20.3
Scope of research/educational reproduction	reproduce
Type(s) of source work(s)	separate articles and small-sized works that are legally published in collections, newspapers and other periodicals, short extracts from legally published written works (with or without illustrations)
Entity exercising reproduction	education institutions
Purpose of educational reproduction	for lecturing purposes
Condition of reproduction	without profiting
Frequency/copies and limits	one copy
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without paying out royalties ")
Provision	Art. 41.1(2)
Scope of research/educational reproduction	use of (a) reproduction of (b)

<sup>2120</sup> Art. 41.1(3) (referring to quotation for "informational purposes", which are outside the ambit of this study; and therefore Art. 19.1, which refers to "debate, criticism" will be "other cases" stipulated by Arts. 18-26).

Type(s) of source work(s)	(a) performance, staging, transmissions of on-air or cable broadcasting organizations and their recordings (b) phonograms
Entity exercising reproduction	
Purpose of educational reproduction	training and scientific research purposes
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without remuneration")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Arts. 19(2), 41.1(4)
Scope of anthologies/compilations limitation/exception	use in publications
Type(s) of source work(s)	legally published works and extracts thereof  performance, production, program of on-air or cable broadcasting organization, their records and phonogram reproduction <sup>2121</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for the purpose of illustration
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	in the volume justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of an author's remuneration"/"without remuneration")

#### 6. School Performances

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 19(2)
Scope of broadcast/communication/recording	use in radio and television broadcasts, audio and video recordings of training nature
Type(s) of source work(s)	legally published works and extracts thereof

<sup>2121</sup> Art. 41.1(4) ("in other cases stipulated by Arts. 18-26, in relation to restriction of property rights of the author of works of science, literature and art").

	performance, production, program of on-air or cable broadcasting organization, their records and phonogram reproduction <sup>2122</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for the purpose of illustration
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	in the volume justified by the purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of an author's remuneration")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 24.1(1)
Scope of TPM/RMI restriction	exception to make changes to the technical means of the [source works]
Type(s) of source work(s)	electronic computer or a database program
Beneficiary exercising restriction	user
Purpose of restriction	solely for operation purposes
Condition of restriction	

<sup>2122</sup> Art. 41.1(4) ("in other cases stipulated by Arts. 18-26, in relation to restriction of property rights of the author of works of science, literature and art").



## Kenya

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 11, 1993 (Paris Act (1971): June 11, 1993)

WIPO Copyright Treaty: signed December 20, 1996

WIPO Performances and Phonograms Treaty: signed December 20, 1996

Legislation:

Chapter 130 - The Copyright Act 2001 (Revised Edition 2014)

### 2. Private/Personal Use

Provision	s 26(1)(a)
Scope of private/personal use	doing of those acts by way of fair dealing
Type(s) of source work(s)	a literary, musical or artistic work or audiovisual work, (a sound recording) <sup>2123</sup> , (a broadcast) <sup>2124</sup>
Entity exercising private/personal use	
Purpose of private/personal use	scientific research, private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	not a computer program <sup>2125</sup>
Subject to Attribution	source
Subject to Remuneration	not required ("copyright in any such work shall not include the right to control")
Provision	s 28(3)
Scope of private/personal use	making
Type(s) of source work(s)	sound recording
Entity exercising private/personal use	a person
Purpose of private/personal use	personal and private use of person making the copy
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	
Subject to Attribution	not required
Subject to Remuneration	fair compensation consisting of levy on audio recording equipment or audio blank tape suitable for recording and other recording media, payable by manufacturer/importer <sup>2126</sup> to

<sup>2123</sup> S 28(2).

<sup>2124</sup> S 29(a).

<sup>2125</sup> S 26(3). However, a person in lawful possession of a computer program may make copies of the programme to correct errors, to make backup copies, for testing to determine its suitability for use, and for any purpose not prohibited under any licence or agreement. s 26(4).

<sup>2126</sup> S 28(3), (4) (providing that the royalty payable shall be agreed between organizations representing producers of sound recordings and manufacturers/importers, failing which the competent authority will set the royalty).

	the Kenya Copyright Board <sup>2127</sup> to be received by copyright owner of sound recording
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### 3. Quotations

Provision	s 26(1)(a)
Scope of quotation	doing of those acts by way of fair dealing
Type(s) of source work(s)	a literary, musical or artistic work or audiovisual work, (a sound recording) <sup>2128</sup> , (a broadcast) <sup>2129</sup>
Entity exercising quotation	
Purpose of quotation	criticism or review
Condition of quotation	
Preclusions (not part of quotation)	not a computer program <sup>2130</sup>
Subject to Attribution	source
Subject to Remuneration	not required ("copyright in any such work shall not include the right to control")

### 4. Research/Educational Reproduction

Provision	s 26(1)(a)
Scope of research/educational reproduction	doing of those acts by way of fair dealing
Type(s) of source work(s)	a literary, musical or artistic work or audiovisual work, (a sound recording) <sup>2131</sup> , (a broadcast) <sup>2132</sup>
Entity exercising reproduction	
Purpose of educational reproduction	scientific research
Condition of reproduction	
Frequency/copies and limits	not a computer program <sup>2133</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source
Subject to Remuneration	not required ("copyright in any such work shall not include the right to control")
Provision	s 26(1)(f)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a broadcast, (a sound recording) <sup>2134</sup> , (a broadcast) <sup>2135</sup>

<sup>2127</sup> S 28(5).

<sup>2128</sup> S 28(2).

<sup>2129</sup> S 29(a).

<sup>2130</sup> S 26(3). However, a person in lawful possession of a computer program may make copies of the programme to correct errors, to make backup copies, for testing to determine its suitability for use, and for any purpose not prohibited under any licence or agreement. s 26(4).

<sup>2131</sup> S 28(2).

<sup>2132</sup> S 29(a).

<sup>2133</sup> S 26(3). However, a person in lawful possession of a computer program may make copies of the programme to correct errors, to make backup copies, for testing to determine its suitability for use, and for any purpose not prohibited under any licence or agreement. s 26(4).

<sup>2134</sup> S 28(2).

<sup>2135</sup> S 29(a).

	intended for purposes of systematic instructional activities
Entity exercising reproduction	
Purpose of educational reproduction	use of that reproduction in a school registered under the Education Act or any university established by or under any written law for the systematic instructional activities of any such school or university
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright in any such work shall not include the right to control")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 26(1)(d)
Scope of anthologies/compilations limitation/exception	inclusion in a collection
Type(s) of source work(s)	literary or musical works
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	collection is designed for use in a school registered under the Education Act or any university established by or under any written law
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	not more than 2 short passages from each work
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title, author
Subject to Remuneration	not required ("copyright in any such work shall not include the right to control")

#### 6. School Performances

Provision	s 26(1)(a)
Scope of school performance	doing of those acts <sup>2136</sup> by way of fair dealing
Type(s) of source work(s)	a literary, musical or artistic work or audiovisual work, (a sound recording) <sup>2137</sup> , (a broadcast) <sup>2138</sup>
Entity exercising school performance	
Purpose of school performance	scientific research

<sup>2136</sup> S 26(1) (describing the acts as including, inter alia, "communication to the public", which is in turn defined to mean "a live performance" or "a transmission to the public, other than a broadcast, of the images or sounds or both, of a work, performance or sound recording" – s 2(1)).

<sup>2137</sup> S 28(2).

<sup>2138</sup> S 29(a).

Condition of school performance	
Preclusions (not part of school performance)	not a computer program <sup>2139</sup>
Subject to Attribution	source
Subject to Remuneration	not required ("copyright in any such work shall not include the right to control")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 26(1)(e)
Scope of broadcast/communication/recording	broadcasting
Type(s) of source work(s)	a work, (a broadcast) <sup>2140</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	broadcast intended to be used for systematic instructional activities
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright in any such work shall not include the right to control")

#### 8. Compulsory Licences for Educational Reproductions and Translations

#### 9. TPM/RMI Exceptions for Educational Purposes

<sup>2139</sup> S 26(3). However, a person in lawful possession of a computer program may make copies of the programme to correct errors, to make backup copies, for testing to determine its suitability for use, and for any purpose not prohibited under any licence or agreement. s 26(4).

<sup>2140</sup> S 29(a).

## Kiribati

### 1. Treaties & Legislation

Treaties:

Berne Convention: not a party

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Ordinance (Cap 16) (adopting the application of parts of UK Copyright Act 1956 (4 & 5 Eliz. 2, Cap. 74)<sup>2141</sup>, but excluding s 22<sup>2142</sup>)

### 2. Private/Personal Use

Provision	ss 6(1), 9(1)
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a literary, dramatic or musical work, (or its adaptation) <sup>2143</sup> , an artistic work
Entity exercising private/personal use	
Purpose of private/personal use	research or private study
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("No fair dealing ... shall constitute an infringement of the copyright")

### 3. Quotations

Provision	ss 6(2), 9(2)
Scope of quotation	fair dealing
Type(s) of source work(s)	a literary, dramatic or musical work, (or its adaptation) <sup>2144</sup> or an artistic work
Entity exercising quotation	
Purpose of quotation	purposes of criticism or review, whether of that work or of another work

<sup>2141</sup> s 15, Western Pacific (Courts) Order in Council, 1961 states that "statutes of general application in force in England on the 1st day of January, 1961 ... shall be in force [but] so far only as the circumstances of any particular territory and its inhabitants and the limits of Her Majesty's jurisdiction permit and subject to such qualifications as local circumstances render necessary". This rendered applicable in Kiribati the U.K. Copyright Act 1956. Article 5(1) of the Kiribati Independence Order provides that existing laws and Acts of the Parliament of the U.K. or Order of Her Majesty in Council, having effect as part of the law of Kiribati immediately before independence day, shall continue in force and be construed with such conforming modifications. With the enactment of the Kiribati Copyright Ordinance (Chapter 16, Revised Edition 1980), which came into force on 13 June 1917, the U.K. Copyright Act 1956, which continues to apply in Kiribati, will be construed with the Kiribati Copyright Ordinance.

<sup>2142</sup> S 5, Copyright Ordinance (Cap 16) (stating that s 22, U.K. Copyright Act 1956 does not apply as the law of Kiribati).

<sup>2143</sup> S 6(8).

<sup>2144</sup> S 6(8).

Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	title (or other description), author (unless anonymous or author has agreed otherwise) <sup>2145</sup>
Subject to Remuneration	not required ("No fair dealing ... shall constitute an infringement of the copyright")

#### 4. Research/Educational Reproduction

Provision	s 41(1)(a)
Scope of research/educational reproduction	reproduction (otherwise than by the use of a "duplicating process" <sup>2146</sup> ) or making of an adaptation
Type(s) of source work(s)	a literary, dramatic, musical or artistic work
Entity exercising reproduction	by a teacher or pupil
Purpose of educational reproduction	in the course of instruction, whether at a school <sup>2147</sup> or elsewhere
Condition of reproduction	reproduction or adaptation shall not be published <sup>2148</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright shall not be taken to be infringed")

Provision	s 41(1)(b)
Scope of research/educational reproduction	reproduction (otherwise than by the use of a duplicating process) or making of an adaptation
Type(s) of source work(s)	a literary, dramatic, musical or artistic work
Entity exercising reproduction	
Purpose of educational reproduction	as part of the questions to be answered in an examination, or in an answer to such a question
Condition of reproduction	reproduction or adaptation shall not be published <sup>2149</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright shall not be taken to be infringed")

<sup>2145</sup> Ss 6(10), 48(1) (defining "sufficient acknowledgment").

<sup>2146</sup> S 41(7) (defining "duplicating process" as any process involving the use of an appliance for producing multiple copies).

<sup>2147</sup> S 41(7) (defining "school" as an entity with the same meaning at that in the Education Act 1944, the Education (Scotland) Act, 1946 and the Education Act (Northern Ireland), 1947 in relation to England and Wales, Scotland and Northern Ireland, but presumably meaning that which is so defined in the laws of Guyana).

<sup>2148</sup> S 41(2).

<sup>2149</sup> S 41(2).

**5. Educational Publications/Anthologies/Compilations/Composite Works**

Provision	s 6(6)
Scope of anthologies/compilations limitation/exception	inclusion in a collection
Type(s) of source work(s)	a short passage of a published literary or dramatic work, (or its adaptation) <sup>2150</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for use of schools
Condition of anthologies/compilations limitation/exception	collection is so described in its title and in any publisher's advertisement  [source] work was not published for use of schools  collection consists mainly of material in which no copyright subsists
Frequency/copies and limits	not applicable if, in addition to passage in question, 2 or more excerpts from works by same author <sup>2151</sup> are contained in that collection, or that collection with every similar collection by same publisher within 5 year period <sup>2152</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title (or other description), author (unless anonymous or author has agreed otherwise) <sup>2153</sup>
Subject to Remuneration	not required ("copyright ... is not infringed")

**6. School Performances**

Provision	s 12(7)
Scope of school performance	causing to be heard in public
Type(s) of source work(s)	a sound recording
Entity exercising school performance	a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare
Purpose of school performance	as part of the activities of, or for the benefit of
Condition of school performance	proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization
Preclusions (not part of school performance)	

<sup>2150</sup> S 6(8).<sup>2151</sup> S 6(6) proviso (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion).<sup>2152</sup> S 6(6).<sup>2153</sup> Ss 6(10), 48(1) (defining "sufficient acknowledgment").

Subject to Attribution	
Subject to Remuneration	not required ("not constitute an infringement of the copyright")

Provision	s 41(3)
Scope of school performance	performance [of a work]
Type(s) of source work(s)	a literary, dramatic or musical work a sound recording, cinematograph film, a television broadcast
Entity exercising school performance	by a person who is a teacher in, or a pupil in attendance at, the school <sup>2154</sup>
Purpose of school performance	in the course of the activities of a school
Condition of school performance	performance in class, or otherwise in the presence of an audience  audience is limited to persons who are teachers in, or pupils in attendance at, the school, or are otherwise "directly connected" <sup>2155</sup> with the activities of the school
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("performance shall not be taken ... to be a performance in public")

## 7. Educational Broadcasts/Communications/Recordings

Provision	s 41(5)
Scope of broadcast/communication/recording	causing to be heard or seen, the sounds or visual images [of a sound recording, cinematograph film, a television broadcast]
Type(s) of source work(s)	a literary, dramatic or musical work a sound recording, cinematograph film, a television broadcast
Entity exercising broadcast/communication/recording	by a person who is a teacher in, or a pupil in attendance at, the school <sup>2156</sup>
Purpose of broadcast/communication/recording	in the course of the activities of a school
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	causing sounds or visual images to be heard or seen in class, or otherwise in the presence of an audience

<sup>2154</sup> S 41(7) (defining "school" as an entity with the same meaning at that in the Education Act 1944, the Education (Scotland) Act, 1946 and the Education Act (Northern Ireland), 1947 in relation to England and Wales, Scotland and Northern Ireland, but presumably meaning that which is so defined in the laws of Guyana).

<sup>2155</sup> S 41(4) (defining "directly connected" as excluding a person who is connected by reason only that he is a parent or guardian of a pupil in attendance at the school).

<sup>2156</sup> S 41(7) (defining "school" as an entity with the same meaning at that in the Education Act 1944, the Education (Scotland) Act, 1946 and the Education Act (Northern Ireland), 1947 in relation to England and Wales, Scotland and Northern Ireland, but presumably meaning that which is so defined in the laws of Guyana).



	audience is limited to persons who are teachers in, or pupils in attendance at, the school, or are otherwise “directly connected” <sup>2157</sup> with the activities of the school
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required (“performance shall not be taken ... to be a performance in public”)

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

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<sup>2157</sup> S 41(4) (defining “directly connected” as excluding a person who is connected by reason only that he is a parent or guardian of a pupil in attendance at the school).

## Kuwait

### 1. Treaties & Legislation

Treaties:

Berne Convention: December 2, 2014 (Paris Act (1971): December 2, 2014)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law No. 64 of 1999 concerning Intellectual Property Rights including Explanatory Memorandum

Law No. 5 of 1999 on Intellectual Property Rights

### 2. Private/Personal Use

Provision	Art. 7
Scope of private/personal use	presentation or performance
Type(s) of source work(s)	a published literary work
Entity exercising private/personal use	
Purpose of private/personal use	private meeting
Condition of private/personal use	no financial outcome directly or indirectly
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prevent")

Provision	Art. 8
Scope of private/personal use	reproduction, modification, quotation or translation
Type(s) of source work(s)	a published literary work
Entity exercising private/personal use	
Purpose of private/personal use	for his own personal purposes
Condition of private/personal use	reproduction, modification or translation may not be published without permission from owner and author
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prevent")

### 3. Quotations

Provision	Art. 9
Scope of quotation	analysis and short quotations
Type(s) of source work(s)	a published literary work
Entity exercising quotation	
Purpose of quotation	criticism, enlightenment, study or information

Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("author may not prohibit")

4. Research/Educational Reproduction5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances7. Educational Broadcasts/Communications/Recordings8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 16
Nature of compulsory licence for translation for educational purposes	compulsory licence, for translation into Arabic and publication
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>2158</sup> probably digital dissemination <sup>2159</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration renewed and effective until Oct 10, 2024
Type(s) of source work(s)	literary work in a foreign language
Licence applicant/entity	
Purpose of licence	
Condition of licence	work has not been previously translated into Arabic and published within 1 year from first publication of the original or translation <sup>2160</sup>
Compulsory licence fee(s)	beneficiary of compulsory licence to pay a fair compensation to author or owner of translation rights
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Minister of Information

9. TPM/RMI Exceptions for Educational Purposes

<sup>2158</sup> Art. 5(a) (defining "reproduction" as the right to reproduce "a literary work in whatever form").

<sup>2159</sup> Art. 5(b) (defining the right of "presentation" as presentation of the literary work to the public "through public performance, theatrical performance, radio transmission, TV or cinema shows or *by any other means*").

<sup>2160</sup> Art. 16 also provides that if the translation right is not exercised within 5 years from date of first publication of the original or translated literary work, the translation right "shall expire".

## Kyrgyzstan

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 8, 1999 (Paris Act (1971): July 8, 1999)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: August 15, 2002

Legislation:

Law of the Kyrgyz Republic on Copyright and Related Rights (as amended up to Law No. 14 of January 21, 2014)

### 2. Private/Personal Use

Provision	Art. 18
Scope of private/personal use	reproduction
Type(s) of source work(s)	a lawfully disclosed work
Entity exercising private/personal use	
Purpose of private/personal use	exclusively personal purposes
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	architectural works in the form of comparable buildings and structures; databases or substantial parts thereof; computer programs with the exception of cases provided for in Art. 25; books (in full) and musical scores
Subject to Attribution	
Subject to Remuneration	authorized without need for author's consent or payment of remuneration
Provision	Art. 26
Scope of private/personal use	use/reproduction
Type(s) of source work(s)	audiovisual works and phonograms <sup>2161</sup>
Entity exercising private/personal use	
Purpose of private/personal use	solely for personal purposes
Condition of private/personal use	use/reproduction shall not prejudice either normal exploitation of phonogram, performance, or program broadcast or cable transmission and recordings thereof, as well as normal exploitation of works of literature, science and arts incorporated therein, and the legitimate interests of performer, producer of phonogram, broadcasting or cable distribution organization and authors of works in question <sup>2162</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	

<sup>2161</sup> See also Art. 42.2.

<sup>2162</sup> Art. 42.4.

Subject to Remuneration	remuneration payable by manufacturers or importers of equipment (audio and video recorders, other equipment) and recording media (audio and (or) videotapes and cassettes, laser discs, compact discs and other material carriers) <sup>2163</sup> used for such reproduction to CMO, to be distributed among authors, performers and producers of phonograms <sup>2164</sup>
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### 3. Quotations

Provision	Art. 19.1(1)
Scope of quotation	quotation, in the original language or in translation
Type(s) of source work(s)	lawfully published works, including reproduction of extracts from newspaper and magazine articles in press reviews, (works of literature, science and arts embodied in performances, phonograms, broadcasts, cable programs) <sup>2165</sup>
Entity exercising quotation	
Purpose of quotation	for research, polemic, critical and informational purposes
Condition of quotation	to the extent justified by the purpose of the quotation
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")
Provision	Art. 42.1(3)
Scope of quotation	quotation
Type(s) of source work(s)	performance, phonogram, broadcast or cabled program
Entity exercising quotation	
Purpose of quotation	for information purposes
Condition of quotation	short excerpts
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration") <sup>2166</sup>

### 4. Research/Educational Reproduction

Provision	Art. 42.1(2)
Scope of research/educational reproduction	use, and reproduce

<sup>2163</sup> Art. 26(3) (providing that no remuneration shall be payable for equipment and recording media that are exported, professional equipment and equipment not intended for domestic use).

<sup>2164</sup> Art. 26(2) (providing that unless an agreement with the rightholders provides otherwise, the remuneration shall be authors (40%), performers (30%), producers of phonograms (30%).)

<sup>2165</sup> Art. 42.1(4).

<sup>2166</sup> See Art. 42.1(3) (providing that any use of copies of a phonogram published for commercial purposes by broadcasting or cable distribution organizations are allowed for *broadcasting or cable distribution* only in compliance with Art. 39, for which remuneration is required).

Type(s) of source work(s)	use: performance, broadcast, cable program or recording reproduce: phonogram
Entity exercising reproduction	
Purpose of educational reproduction	sole purpose of teaching or scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	use/reproduction shall not prejudice either normal exploitation of phonogram, performance, or program broadcast or cable transmission and recordings thereof, as well as normal exploitation of works of literature, science and arts incorporated therein, and the legitimate interests of performer, producer of phonogram, broadcasting or cable distribution organization and authors of works in question <sup>2167</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 19.1(2)
Scope of anthologies/compilations limitation/exception	use, as illustration, in publications of an educational character
Type(s) of source work(s)	lawfully disclosed works and their excerpts, (works of literature, science and arts embodied in performances, phonograms, broadcasts, cable programs) <sup>2168</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	to the extent justified by the educational purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

#### 6. School Performances

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 19.1(2)
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<sup>2167</sup> Art. 42.4.

<sup>2168</sup> Art. 42.1(4).

Scope of broadcast/communication/recording	use, as illustration, in radio and television broadcasts, and sound and video recordings of an educational character
Type(s) of source work(s)	lawfully disclosed works and their excerpts, (works of literature, science and arts embodied in performances, phonograms, broadcasts, cable programs) <sup>2169</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	to the extent justified by the educational purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

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<sup>2169</sup> Art. 42.1(4).

## Lao People's Democratic Republic

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 14, 2012 (Paris Act (1971): March 14, 2012)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law No. 01/NA of December 20, 2011, on Intellectual Property (as amended)

### 2. Private/Personal Use

### 3. Quotations

Provision	Art. 111.1.1
Scope of quotation	making quotations
Type(s) of source work(s)	a work which has already been lawfully made available to the public, including newspaper articles and periodicals in the form of press summaries, (a performance, phonogram, broadcast) <sup>2170</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	making is compatible with fair use, and their extent does not exceed that justified by the purpose
Preclusions (not part of quotation)	does not apply to reproduction of architectural works, including construction of the work, and reproduction that requires circumvention of technological measures to protect copyright or related rights, or unauthorised removal or alteration of electronic rights management information  “acts shall not conflict with a normal exploitation of the work and shall not unreasonably prejudice the legitimate interests of the author”
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without remuneration")

### 4. Research/Educational Reproduction

### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 111.1.2
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<sup>2170</sup> Art. 112 (applying limitations and exceptions applicable to copyright to related rights).



Scope of anthologies/compilations limitation/exception	utilization, by way of illustration in publications
Type(s) of source work(s)	literary or artistic works, (performances, phonograms, broadcasts) <sup>2171</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for teaching
Condition of anthologies/compilations limitation/exception	does not apply to reproduction of architectural works, including construction of the work, and reproduction that requires circumvention of technological measures to protect copyright or related rights, or unauthorised removal or alteration of electronic rights management information  utilization is compatible with fair practice
Frequency/copies and limits	to the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	"acts shall not conflict with a normal exploitation of the work and shall not unreasonably prejudice the legitimate interests of the author"
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without remuneration")

6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	Art. 111.1.2
Scope of broadcast/communication/recording	utilization, by way of illustration in broadcasts or sound or visual recordings
Type(s) of source work(s)	literary or artistic works, (performances, phonograms, broadcasts) <sup>2172</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for teaching
Condition of broadcast/communication/recording	utilization is compatible with fair practice
Frequency/limits of broadcast/communication/recording	to the extent justified by the purpose
Preclusions (not part of broadcast/communication/recording)	does not apply to reproduction of architectural works, including construction of the work, and reproduction that requires circumvention of technological measures to protect copyright or related rights, or unauthorised removal or alteration of electronic rights management information

<sup>2171</sup> Art. 112 (applying limitations and exceptions applicable to copyright to related rights).<sup>2172</sup> Art. 112 (applying limitations and exceptions applicable to copyright to related rights).

	“acts shall not conflict with a normal exploitation of the work and shall not unreasonably prejudice the legitimate interests of the author”
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without remuneration")

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Latvia

### 1. Treaties & Legislation

Treaties:

Berne Convention: August 11, 1995 (Paris Act (1971): August 11, 1995)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

Copyright Law (as last amended on December 31, 2014)

### 2. Private/Personal Use

Provision	ss 34, 54(5)
Scope of private/personal use	reproduction (including in a digital format)
Type(s) of source work(s)	works that have been included in lawfully acquired films or phonograms or in other form of expression that is to be protected, as well as visual works, (lawfully acquired films or phonograms as well as related rights objects included in a lawfully acquired film or phonogram) <sup>2173</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	for personal use
Condition of private/personal use	without direct or indirect commercial purpose  third persons shall not be involved in the production of such copy
Frequency/copies and limits	in one copy
Preclusions (not part of private/personal use)	restriction on economic rights of author/related rightholders to be applied in such a way that it is not contrary to the provisions for normal use of the work of an author/related rights object and not unjustifiably limit the lawful interests of the author/related rightholders <sup>2174</sup>
Subject to Attribution	
Subject to Remuneration	blank tape levy by way of payment by manufacturers/importers/sellers <sup>2175</sup> of equipment used in such reproduction and blank recording media (audio recording cassettes, videotapes or video cassettes, laser discs, compact discs, minidisks and the like), <sup>2176</sup> and

<sup>2173</sup> s 54(5).

<sup>2174</sup> ss 18(2), 54(2).

<sup>2175</sup> s 34(5)-(6) (providing that sellers who are unable to prove that the blank tape levy has been paid are obliged to pay such levy, and may bring a subrogation action against the manufacturer/importer).

<sup>2176</sup> s 34(3) (excluding equipment and media imported for professional use by broadcasting organizations or for reproduction of works for commercial purposes, or the importation by natural personal for non-commercial purposes).

	received by CMOs, to be distributed to authors, performers, phonogram and film producers <sup>2177</sup>
Provision	s 35
Scope of private/personal use	reprographically reproduce
Type(s) of source work(s)	published works
Entity exercising private/personal use	natural persons, or persons who have in their ownership or possession reprographic reproduction equipment and who ensure the availability of such reproduction to natural persons for a fee or free of charge
Purpose of private/personal use	for personal use
Condition of private/personal use	without direct or indirect commercial purpose
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	sheet music  restriction on economic rights of author to be applied in such a way that it is not contrary to the provisions for normal use of the work of an author and not unjustifiably limit the lawful interests of the author <sup>2178</sup>
Subject to Attribution	
Subject to Remuneration	compensation by way of payment by persons who own or possess reproduction reproduction equipment and who make such equipment available to natural persons for a fee or free of charge, <sup>2179</sup> and received by the author's CMO, <sup>2180</sup> distributed to authors and publishers <sup>2181</sup>

### 3. Quotations

Provision	s 20.(1).1
Scope of quotation	reproduction in the form of quotations and fragments
Type(s) of source work(s)	works communicated to the public
Entity exercising quotation	
Purpose of quotation	for scientific, research, polemical, critical purposes
Condition of quotation	to the extent justified by the purpose
Preclusions (not part of quotation)	computer programs  restriction on economic rights of author to be applied in such a way that it is not contrary to the provisions for normal use of the work of an author and not unjustifiably limit the lawful interests of the author <sup>2182</sup>

<sup>2177</sup> ss 34(7), 54(5).

<sup>2178</sup> s 18(2).

<sup>2179</sup> s 35(2).

<sup>2180</sup> s 35(3), (5).

<sup>2181</sup> s 35(5), (6) (providing additionally the criteria for the distribution).

<sup>2182</sup> s 18(2).

Subject to Attribution	title, author
Subject to Remuneration	not required ("it is permitted")

#### 4. Research/Educational Reproduction

Provision	s 21
Scope of research/educational reproduction	use in audio-visual works, in visual aids and the like which are specially created and used in the face-to-face teaching and research process
Type(s) of source work(s)	communicated or published works or fragments of them, (related rights object – performances, phonograms, films, broadcasts) <sup>2183</sup>
Entity exercising reproduction	
Purpose of educational reproduction	
Condition of reproduction	in educational and research institutions non-commercial purposes
Frequency/copies and limits	extent justified by the purpose of their activity
Preclusions (not part of research/educational reproduction)	restriction on economic rights of author to be applied in such a way that it is not contrary to the provisions for normal use of the work of an author and not unjustifiably limit the lawful interests of the author <sup>2184</sup>
Subject to Attribution	title, author
Subject to Remuneration	not required ("it is permitted")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 21
Scope of anthologies/compilations limitation/exception	use in textbooks which are in conformity with educational standards
Type(s) of source work(s)	communicated or published works or fragments of them, (related rights object – performances, phonograms, films, broadcasts) <sup>2185</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	
Condition of anthologies/compilations limitation/exception	in educational and research institutions non-commercial purposes
Frequency/copies and limits	extent justified by the purpose of their activity
Preclusions (not part of anthologies/compilations limitation/exception)	restriction on economic rights of author to be applied in such a way that it is not contrary to the provisions for normal use of the work of an author and not unjustifiably limit the lawful interests of the author <sup>2186</sup>

<sup>2183</sup> s 54(3).2. "Related rights objects" are defined in s 47(2).

<sup>2184</sup> s 18(2).

<sup>2185</sup> s 54(3).2. "Related rights objects" are defined in s 47(2).

<sup>2186</sup> s 18(2).

Subject to Attribution	title, author
Subject to Remuneration	not required ("it is permitted")

## 6. School Performances

Provision	s 26.2
Scope of school performance	perform in public
Type(s) of source work(s)	a work, (a related rights object – performance, phonogram, film, broadcast) <sup>2187</sup>
Entity exercising school performance	
Purpose of school performance	within the framework of the implementation of an educational programme
Condition of school performance	to an extent that corresponds to the teaching process and for non-commercial purposes  an audience consisting of only the teachers, students or persons directly associated with the implementation of the relevant educational programme
Preclusions (not part of school performance)	restriction on economic rights of author to be applied in such a way that it is not contrary to the provisions for normal use of the work of an author and not unjustifiably limit the lawful interests of the author <sup>2188</sup>
Subject to Attribution	title, author
Subject to Remuneration	not required ("without the payment of royalties")

## 7. Educational Broadcasts/Communications/Recordings

Provision	s 21
Scope of broadcast/communication/recording	use in radio and television broadcasts
Type(s) of source work(s)	communicated or published works or fragments of them, (related rights object – performances, phonograms, films, broadcasts) <sup>2189</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	which are specially created and used in the face-to-face teaching and research process
Condition of broadcast/communication/recording	in educational and research institutions  non-commercial purposes
Frequency/limits of broadcast/communication/recording	extent justified by the purpose of their activity
Preclusions (not part of broadcast/communication/recording)	restriction on economic rights of author to be applied in such a way that it is not contrary to the provisions for normal use of the work of an

<sup>2187</sup> s 54(3).2. "Related rights objects" are defined in s 47(2).

<sup>2188</sup> s 18(2).

<sup>2189</sup> s 54(3).2. "Related rights objects" are defined in s 47(2).

	author and not unjustifiably limit the lawful interests of the author <sup>2190</sup>
Subject to Attribution	title, author
Subject to Remuneration	not required ("it is permitted")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	ss 18(4), 54(6)
Scope of TPM/RMI restriction	require author/related rightsholder who used effective technological measures in respect of his work to give access to such works to beneficiary, failing which author and beneficiary mediate <sup>2191</sup>
Type(s) of source work(s)	work/related rights object
Beneficiary exercising restriction	user who has right to use the work/related rights object [sic] <sup>2192</sup> in cases specified, <i>inter alia</i> , in s 20(1) cl. 1 (quotations) and s 21 (educational and research reproduction and broadcasts)
Purpose of restriction	to give beneficiaries, who would otherwise be unable to implement rights to use the work/related rights object as statutorily specified, legal access to work/related rights object
Condition of restriction	refusal to give such access if use of work/related rights object is contrary to provisions for normal use of the work/related rights object of an author/related rightsholder and may unjustifiably limit the lawful interests of the author/related rightsholder <sup>2193</sup>

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<sup>2190</sup> s 18(2).

<sup>2191</sup> S 18(5).

<sup>2192</sup> s 54(6) (referring to "the use of the related rights object in accordance with ... [s 54(2)]" rather than s 54(3), which would have incorporated the exceptions for works into related rights objects).

<sup>2193</sup> ss 18(2), 54(6) (referencing s 54(2)).

## Lebanon

### 1. Treaties & Legislation

Treaties:

Berne Convention: September 30, 1947 (Rome Act (1928): September 30, 1947)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

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

### 2. Private/Personal Use

Provision	Art. 23
Scope of private/personal use	copy, record or make a single copy
Type(s) of source work(s)	any work that has been legally published, (a sound recording, performance, broadcast, printed work) <sup>2194</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	personal and private use
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	use of a copy copied or reproduced inside a company or at any work place is not a personal and private use  works of architecture (complete or partial construction), any work of which a limited number of original copies are published, reproduction of whole or significant part of book, compilations of data of all kinds, computer program <sup>2195</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without having to pay him any compensation")

Provision	Art. 25(1)
Scope of private/personal use	reproduce
Type(s) of source work(s)	computer programs lent by non-profit-making educational institutions, universities and public libraries pursuant to Art. 25(1) to students
Entity exercising private/personal use	students
Purpose of private/personal use	personal use
Condition of private/personal use	
Frequency/copies and limits	one copy

<sup>2194</sup> Art. 47 (applying the limitations and exceptions for copyright works to related rights).

<sup>2195</sup> Art. 24 (excepting use of the computer program and for backup/archival purposes).



Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("without having to pay him any compensation")

### 3. Quotations

Provision	Art. 25(2)
Scope of quotation	use
Type(s) of source work(s)	a limited part of any legally published work, (sound recording, performance, broadcast, printed work) <sup>2196</sup>
Entity exercising quotation	
Purpose of quotation	criticism, argumentation or citation
Condition of quotation	part used does not exceed what is necessary and customary
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without obligation to pay him compensation")

### 4. Research/Educational Reproduction

Provision	Art. 25(1)
Scope of research/educational reproduction	reproduce
Type(s) of source work(s)	computer programs
Entity exercising reproduction	non-profit-making educational institutions, universities and public libraries
Purpose of educational reproduction	purpose of lending them free of charge to students and university people
Condition of reproduction	entity to possess at least one original copy of the work  Ministry of Education, the Ministry of Culture and Higher Education and the Ministry of Technical and Vocational Education subsequently issue decrees determining the copying mechanism, the categories of computer programs that may be copied and the number of copies allowed
Frequency/copies and limits	a limited number of copies
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without obligation to pay him compensation")
Provision	Art. 25(2)

<sup>2196</sup> Art. 47 (applying the limitations and exceptions for copyright works to related rights).

Scope of research/educational reproduction	use
Type(s) of source work(s)	a limited part of any legally published work, (sound recording, performance, broadcast, printed work) <sup>2197</sup>
Entity exercising reproduction	
Purpose of educational reproduction	an educational purpose
Condition of reproduction	
Frequency/copies and limits	part used does not exceed what is necessary and customary
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without obligation to pay him compensation")
Provision	Art. 26
Scope of research/educational reproduction	copy or reproduce
Type(s) of source work(s)	articles published in newspapers and magazines or short excerpts of a work, (a sound recording, performance, broadcast, printed work) <sup>2198</sup>
Entity exercising reproduction	
Purpose of educational reproduction	solely for educational purposes
Condition of reproduction	
Frequency/copies and limits	within the necessary limits of such purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	publisher, author (if indicated on source)
Subject to Remuneration	not required ("without obligation to pay him compensation")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

#### 6. School Performances

Provision	Art. 32
Scope of school performance	display or perform, in public
Type(s) of source work(s)	a work, (a sound recording, performance, broadcast, printed work) <sup>2199</sup>
Entity exercising school performance	teachers or students of educational institutions use the work
Purpose of school performance	activities carried out by educational institutions
Condition of school performance	audience is limited to the teachers, students, students' parents and persons directly involved in the activities of the said educational institution
Preclusions (not part of school performance)	

<sup>2197</sup> Art. 47 (applying the limitations and exceptions for copyright works to related rights).

<sup>2198</sup> Art. 47 (applying the limitations and exceptions for copyright works to related rights).

<sup>2199</sup> Art. 47 (applying the limitations and exceptions for copyright works to related rights).

Subject to Attribution	
Subject to Remuneration	not required ("without obligation to pay him compensation")

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 25(2)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	a limited part of any legally published work, (sound recording, performance, broadcast, printed work) <sup>2200</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	an educational purpose
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	part used does not exceed what is necessary and customary
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without obligation to pay him compensation")

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

<sup>2200</sup> Art. 47 (applying the limitations and exceptions for copyright works to related rights).

## Lesotho

### 1. Treaties & Legislation

Treaties:

Berne Convention: September 28, 1989 (Paris Act (1971): September 28, 1989)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Order 1989 (Order No.13 of 1989)

### 2. Private/Personal Use

Provision	s 9(a)(i)
Scope of private/personal use	reproduction, translation, adaptation, arrangement or other transformation
Type(s) of source work(s)	a work (either in the original language or in translation) that has been made whether or not that work has been lawfully published
Entity exercising private/personal use	
Purpose of private/personal use	exclusively for the user's personal and private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("without the obligation to pay remuneration")

Provision	s 30(1)(a)
Scope of private/personal use	use
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising private/personal use	
Purpose of private/personal use	private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

### 3. Quotations

Provision	s 9(a)(ii)
Scope of quotation	inclusion, of quotations, in another work

Type(s) of source work(s)	a work (either in the original language or in translation) that has been made whether or not that work has been lawfully published, including quotations from newspaper articles and periodicals in the form of press summaries
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without the obligation to pay remuneration")

Provision	s 30(1)(c)
Scope of quotation	use
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising quotation	
Purpose of quotation	solely for the purpose of short excerpts
Condition of quotation	quotations are compatible with fair practice  justified by the informatory purposes of such quotations
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

#### 4. Research/Educational Reproduction

Provision	s 9(f)
Scope of research/educational reproduction	reproduction, by photography, sound or video-recording, of [sic] electronic storage
Type(s) of source work(s)	literary artistic or scientific works (in the original language or in translation) which have already been lawfully made available to the public, (performances, phonograms, broadcasts) <sup>2201</sup>
Entity exercising reproduction	[inter alia] scientific institutions and educational establishments
Purpose of educational reproduction	needs of the regular activities of the entity reproducing the work
Condition of reproduction	
Frequency/copies and limits	reproduction, number of copies made and use thereof are limited to the needs of the regular activities of the entity
Preclusions (not part of research/educational reproduction)	reproduction etc. will "neither conflict with the normal exploitation of the work nor

<sup>2201</sup> S 30(1)(d) (applying the limitations in s 9 in respect of copyright works to related rights).

	unreasonably prejudice the legitimate interest of the author”
Subject to Attribution	
Subject to Remuneration	not required ("without the obligation to pay remuneration")

Provision	s 30(2)
Scope of research/educational reproduction	reproduction, by way of licences, of duplicates
Type(s) of source work(s)	phonograms
Entity exercising reproduction	
Purpose of educational reproduction	reproduction serves the exclusive purposes of education or scientific research
Condition of reproduction	reproduction is made and distributed in Lesotho, to the exclusion of all importation of duplicates
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	equitable remuneration, prescribed by the Ministry of Information and Broadcasting with particular reference to the number of duplicates to be made and distributed, for the phonogram producer

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 9(a)(iii)
Scope of anthologies/compilations limitation/exception	utilization by way of illustration in publications
Type(s) of source work(s)	a work (either in the original language or in translation) that has been made whether or not that work has been lawfully published, including quotations from newspaper articles and periodicals in the form of press summaries, (a performance, phonogram, broadcast) <sup>2202</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for teaching
Condition of anthologies/compilations limitation/exception	use is compatible with fair practice
Frequency/copies and limits	to the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title, author (unless anonymous, or author unascertainable after reasonable inquiry for unpublished work) <sup>2203</sup>

<sup>2202</sup> S 30(1)(d) (applying the limitations in s 9 in respect of copyright works to related rights).

<sup>2203</sup> S 2(1) (defining “sufficient acknowledgement”).

Subject to Remuneration	not required ("without the obligation to pay remuneration")
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6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	s 9(a)(iii)
Scope of broadcast/communication/recording	utilization by way of illustration in broadcasts, distribution by cable, sound or visual recordings
Type(s) of source work(s)	a work (either in the original language or in translation) that has been made whether or not that work has been lawfully published, including quotations from newspaper articles and periodicals in the form of press summaries, (a performance, phonogram, broadcast) <sup>2204</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for teaching
Condition of broadcast/communication/recording	use is compatible with fair practice
Frequency/limits of broadcast/communication/recording	to the extent justified by the purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	title, author (unless anonymous, or author unascertainable after reasonable inquiry for unpublished work) <sup>2205</sup>
Subject to Remuneration	not required ("without the obligation to pay remuneration")
Provision	s 9(a)(iii)
Scope of broadcast/communication/recording	communication
Type(s) of source work(s)	a work (either in the original language or in translation) that has been made whether or not that work has been lawfully published, including quotations from newspaper articles and periodicals in the form of press summaries, (a performance, phonogram, broadcast) <sup>2206</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for teaching purposes of the work broadcast or distributed by cable for use in schools, education, universities and professional training
Condition of broadcast/communication/recording	use is compatible with fair practice
Frequency/limits of broadcast/communication/recording	

<sup>2204</sup> S 30(1)(d) (applying the limitations in s 9 in respect of copyright works to related rights).

<sup>2205</sup> S 2(1) (defining "sufficient acknowledgement").

<sup>2206</sup> S 30(1)(d) (applying the limitations in s 9 in respect of copyright works to related rights).

Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without the obligation to pay remuneration")

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	s 10, First Schedule
Nature of compulsory licence for translation for educational purposes	non-exclusive, non-transferable <sup>2207</sup> compulsory licence, for translation and publication of such translation in printed or analogous forms of reproduction in Lesotho <sup>2208</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>2209</sup> no digital dissemination <sup>2210</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration lapsed after Oct 10, 1994
Type(s) of source work(s)	works which have been published in printed or analogous forms of reproduction, (whose country of origin is Lesotho or any other designated country) <sup>2211</sup>  (for domestic broadcasting organisations) any text incorporated in an audio-visual fixation that was itself prepared and published <sup>2212</sup> for the sole purpose of being used in connection with systematic instructional activities <sup>2212</sup>
Licence applicant/entity	licence applicant is a national of Lesotho or a domestic broadcasting organisation <sup>2213</sup>
Purpose of licence	purpose of teaching, scholarship or research <sup>2214</sup>
Condition of licence	licence application may be made: 3 years from first publication (for translation into English), <sup>2215</sup> or 1 year from first publication (for translation into Sesotho) <sup>2216</sup>

<sup>2207</sup> Para. 4(1)(d), (e), First Schedule.

<sup>2208</sup> Para. 4(1)(b), First Schedule. An exception may be made for printing outside of Lesotho. See para. 4(1) proviso.

<sup>2209</sup> s 2 (defining "reproduction" as "the making of one or more copies of a literary, artistic or scientific work or expression of folklore or fixation, or a substantial part of the work, expression of folklore or fixation, in any material form including any sound or visual recording"); while the right of "publication" is not defined as an economic right, s 7 defines the economic right with reference the right of the Government to control the *publication*, presentation or circulation of any work. "Publication" is also used in association with the distribution of a "reproduction". See s 19(1)(a) (defining the utilization rights in relation to folklore).

<sup>2210</sup> s 7 defines the 3 economic rights as the right of reproduction, communication to the public "by performance, broadcasting, distribution by cable or *any other means*", and to make an adaptation etc. There is no reference in s 10, First Schedule, to licensing for communication to the public. In addition, the reference to the licence of "broadcasting" viz. broadcasting organizations does not appear to reference the broader "communication to the public" by "any other means" right.

<sup>2211</sup> Para. 6(1), First Schedule.

<sup>2212</sup> Para. 5(2), First Schedule.

<sup>2213</sup> Paras. 2(1), 5(1), First Schedule.

<sup>2214</sup> Para. 4(1)(a), First Schedule.

<sup>2215</sup> Para. 2(2)(a), First Schedule.

<sup>2216</sup> Para. 2(2)(b), First Schedule.



	<p>work has not been previously translated into the language in the licence application and published by the owner of the right of translation, or if translation has been so published, all previous editions in that language are out of print<sup>2217</sup></p> <p>licence applicant has requested and been denied authorisation by owner of right of translation, or was unable to find owner after due diligence, despite sending request to publisher or to any designated national or international information centre<sup>2218</sup></p> <p>opportunity to be heard is given, to owner of right of translation, where known or located<sup>2219</sup></p> <p>a further period of 6/9 months has lapsed from date licence applicant complies with licence requirements<sup>2220</sup></p> <p>no licence shall be granted if, during further period, a translation into said language has been published by or with authorisation of owner<sup>2221</sup></p> <p>if work is composed mainly of illustrations, the additional conditions of the Second Schedule to the First Schedule are fulfilled<sup>2222</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>2223</sup></p> <p>on all copies of the published translation are printed: the name of author and original title,<sup>2224</sup> a notice in the language of the translation stating that the copy is available for distribution only in Lesotho,<sup>2225</sup> a reprint of the original copyright notice (if available)<sup>2226</sup></p> <p>subject to licensee's sale of existing copies, licence terminated if translation right owner has</p>
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<sup>2217</sup> Para. 3(1)(a), First Schedule.

<sup>2218</sup> Para. 3(1)(b)-(d), First Schedule. In addition, a waiting period of 6/9 months must have lapsed before the licence application has been made. Para. 3(3).

<sup>2219</sup> Para. 3(2), First Schedule.

<sup>2220</sup> Para. 3(4), First Schedule.

<sup>2221</sup> Para. 3(5), First Schedule.

<sup>2222</sup> Para. 3(6), First Schedule.

<sup>2223</sup> Para. 3(7), First Schedule.

<sup>2224</sup> Para 4(5)(a), First Schedule.

<sup>2225</sup> Para 4(5)(b), First Schedule.

<sup>2226</sup> Para 4(5)(c), First Schedule.

	published or authorised the publishing of translated work, at a price reasonably related to that normally charged in Lesotho for comparable works <sup>2227</sup>
Compulsory licence fee(s)	beneficiary of compulsory licence to pay just compensation to owner of translation right in the work, consistent with normally operating standards of royalties <sup>2228</sup>
Price of publication	
Distribution conditions	copies of translated work may not be exported, except if translation is into a language other than English, for Lesotho nationals, or of organizations of Lesotho nationals, residing abroad, who will use them only for purpose of teaching, scholarship or research, where the sending and distribution are without any commercial purpose, and the government of the foreign importing country has agreed to their receipt/distribution <sup>2229</sup>
Grantor of compulsory licence	Minister
Provision	s 10, First Schedule
Nature of compulsory licence for translation for educational purposes	compulsory licence, for broadcasting of translation for recipients in Lesotho, including broadcasts made through the medium of sound or visual recording <sup>2230</sup>
Scope of compulsory licence for digital copying and dissemination	no digital reproduction <sup>2231</sup> no digital publication <sup>2232</sup> no digital dissemination <sup>2233</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration lapsed after Oct 10, 1994
Type(s) of source work(s)	works which have been published in printed or analogous forms of reproduction, (whose country of origin is Lesotho or any other designated country) <sup>2234</sup>
Licence applicant/entity	licence applicant is a domestic broadcasting organization <sup>2235</sup>
Purpose of licence	broadcasts intended exclusively for teaching or for the dissemination of the results of

<sup>2227</sup> Para. 4(7), (7), First Schedule.

<sup>2228</sup> Para. 4(3), First Schedule.

<sup>2229</sup> Para. 4(2), First Schedule.

<sup>2230</sup> Para. 5(1)(c), First Schedule.

<sup>2231</sup> No reference in s 10, First Schedule, to "publication" or "reproduction". Cf. s 2 (defining "reproduction" as "the making of one or more copies of a literary, artistic or scientific work or expression of folklore or fixation, or a substantial part of the work, expression of folklore or fixation, in any material form including any sound or visual recording").

<sup>2232</sup> *Id.*

<sup>2233</sup> s 7 defines the 3 economic rights as the right of reproduction, communication to the public "by performance, broadcasting, distribution by cable or *any other means*", and to make an adaptation etc. There is no reference in s 10, First Schedule, to licensing for communication to the public. In addition, the reference to the licence of "broadcasting" viz. broadcasting organizations does not appear to reference the broader "communication to the public" by "any other means" right.

<sup>2234</sup> Para. 6(1), First Schedule.

<sup>2235</sup> Para. 5(1), First Schedule.

	specialized technical or scientific research to experts in a particular profession <sup>2236</sup>
Condition of licence	translation is made from a lawfully made or acquired copy <sup>2237</sup>  the translation and broadcasting of such translation are not used for any commercial purposes <sup>2238</sup>
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	sounds or visual recordings of the translation may not be used by broadcasting organizations other than those having their headquarters in Lesotho <sup>2239</sup>
Grantor of compulsory licence	Minister
Provision	s 11, Second Schedule
Nature of compulsory licence for reproduction for educational purposes	non-exclusive, non-transferable <sup>2240</sup> compulsory licence, for: * publication of particular edition, in printed or analogous forms of reproduction in Lesotho <sup>2241</sup> [of a work]  * reproduction in audiovisual form, or translation [sic] of any text incorporated, into English [of an audiovisual fixation] <sup>2242</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>2243</sup> no digital dissemination <sup>2244</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration lapsed after Oct 10, 1994
Type(s) of source work(s)	[works]: which have been published in printed or analogous forms of reproduction, (whose country of origin is Lesotho or any other designated country) <sup>2245</sup>  [audiovisual fixations]: which have been prepared and published for the sole purpose of

<sup>2236</sup> Para. 5(1)(b), First Schedule.

<sup>2237</sup> Para 5(1)(a), First Schedule.

<sup>2238</sup> Para. 5(1)(e), First Schedule.

<sup>2239</sup> Para. 5(1)(d), First Schedule.

<sup>2240</sup> Para. 4(1)(d), (e), Second Schedule. Provisions have been incorrectly labelled as paras. (a) and (b).

<sup>2241</sup> Para. 2(1), Second Schedule. An exception may be made for printing outside of Lesotho. See para. 4(1)(c) proviso.

<sup>2242</sup> Para. 5(a), (b), Second Schedule.

<sup>2243</sup> s 2 (defining "reproduction" as "the making of one or more copies of a literary, artistic or scientific work or expression of folklore or fixation, or a substantial part of the work, expression of folklore or fixation, *in any material form* including any sound or visual recording"). Also, the licence refers to its reproduction/publication "in printed or analogous forms of reproduction", and the licence to reproduce in "audiovisual form" could encompass the licence to reproduce in digital "audiovisual form".

<sup>2244</sup> s 7 defines the 3 economic rights as the right of reproduction, communication to the public "by performance, broadcasting, distribution by cable or *any other means*", and to make an adaptation etc. There is no reference in s 11, First Schedule, to licensing for communication to the public or broadcasting.

<sup>2245</sup> Paras. 1, 6(1), Second Schedule.

	being used in connection with systematic instructional activities <sup>2246</sup>
Licence applicant/entity	licence applicant a national of Lesotho <sup>2247</sup>
Purpose of licence	systematic instructional activities <sup>2248</sup>
Condition of licence	<p>licence application may be made: works of fiction, poetry, drama, music or art - 7 years from first publication, or works of technology, natural and physical sciences, mathematics - 3 years from first publication, or any other work - 5 years from first publication<sup>2249</sup></p> <p>work has not been previously reproduced and published by the owner/authorised person in Lesotho, to the general public or in connection with systematic instructional activities, at a price reasonably related to that charged in Lesotho for comparable works, or, under the same conditions, such copies have not been on sale in Lesotho for a continuous period of at least 6 months<sup>2250</sup></p> <p>licence applicant has requested and been denied authorisation by owner of right of reproduction, or was unable to owner after due diligence, despite sending request to publisher or to any designated national or international information centre<sup>2251</sup></p> <p>opportunity to be heard is given, to owner of right of reproduction, where known or located<sup>2252</sup></p> <p>a "further period" of 3/6 months has lapsed from date licence applicant complies with licence requirements<sup>2253</sup></p> <p>no licence shall be granted if, during "further period", a distribution or placing on sale has taken place by or with authorisation of owner<sup>2254</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>2255</sup></p>

<sup>2246</sup> Para. 5(a), (b), Second Schedule.

<sup>2247</sup> Para. 2(1), Second Schedule.

<sup>2248</sup> Para. 4(1)(a), Second Schedule.

<sup>2249</sup> Para 2(2), Second Schedule.

<sup>2250</sup> Para. 3(1)(a), Second Schedule.

<sup>2251</sup> Para. 3(1)(b)-(d), Second Schedule.

<sup>2252</sup> Para. 3(2), Second Schedule.

<sup>2253</sup> Para. 3(3), (4), Second Schedule. It is 3 months for a 5/7 year waiting period, and 6 months for a 3 year waiting period.

<sup>2254</sup> Para. 3(5), Second Schedule.

<sup>2255</sup> Para. 3(6), Second Schedule.

	<p>if edition for reproduction is a translation, the licence shall only be granted if the translation is in a prescribed language and published by or with authorization of the owner of the right of translation<sup>2256</sup></p> <p>on all copies of the published reproduction are included: the name of author and original title,<sup>2257</sup> a notice in the language of the publication stating that the copy is available for distribution only in Lesotho,<sup>2258</sup> a reprint of the original copyright notice (if available)<sup>2259</sup></p> <p>subject to licensee's sale of existing copies, licence terminated if reproduction right owner has distributed the reproduction in Lesotho or in connection with systematic instructional activities, at a price reasonably related to that normally charged in Lesotho for comparable works<sup>2260</sup></p>
Compulsory licence fee(s)	beneficiary of compulsory licence to pay just compensation to owner of reproduction right in the work, consistent with normally operating standards of royalties <sup>2261</sup>
Price of publication	a price reasonably related to, or lower than, that normally charged in Lesotho for comparable work <sup>2262</sup>
Distribution conditions	copies of reproduced work may only be published within Lesotho and not be exported <sup>2263</sup>
Grantor of compulsory licence	Minister

#### 9. TPM/RMI Exceptions for Educational Purposes

<sup>2256</sup> Para. 3(7), Second Schedule.

<sup>2257</sup> Para 4(4)(a), First Schedule.

<sup>2258</sup> Para 4(4)(b), First Schedule.

<sup>2259</sup> Para 4(4)(c), First Schedule.

<sup>2260</sup> Para. 4(5), (6), Second Schedule.

<sup>2261</sup> Para. 4(2), Second Schedule.

<sup>2262</sup> Para. 4(1)(b), Second Schedule.

<sup>2263</sup> Para. 4(1)(c), Second Schedule.

## Liberia

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 8, 1989 (Paris Act (1971): March 8, 1989)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Liberia Intellectual Property Act, 2016

### 2. Private/Personal Use

Provision	s 9.8
Scope of private/personal use	fair use, including such use by reproduction in copies or sound recordings or by any other means
Type(s) of source work(s)	a copyrighted work, <u>(a performance, sound recording, broadcast)</u> <sup>2264</sup>
Entity exercising private/personal use	
Purpose of private/personal use	scholarship or research
Condition of private/personal use	to determine if use is fair use, consider all factors, including: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the copyright work; (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; (d) the effect of the use upon the potential market for or value of the work.
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("is not an infringement of copyright")
Provision	s 9.10
Scope of private/personal use	reproduction
Type(s) of source work(s)	a published work, <u>(a performance, sound recording, broadcast)</u> <sup>2265</sup>

<sup>2264</sup> S 9.31(b) (exempting all acts referred to in ss 9.2, 9.3, 9.4 and 9.5 [sic] which can be used on works without the authorization of the copyright owner; this would appear to be a reference to the exclusive rights that relate to performances, sound recordings and broadcasts rather than to copyright works, because ss 9.2, 9.3, 9.4 and 9.5 do not relate to exclusive rights at all, and the exclusive rights to copyright are already limited pursuant to ss 9.9 et. seq.).

<sup>2265</sup> S 9.31(b) (exempting all acts referred to in ss 9.2, 9.3, 9.4 and 9.5 [sic] which can be used on works without the authorization of the copyright owner; this would appear to be a reference to the exclusive rights that relate to performances, sound recordings and broadcasts rather than to copyright works, because ss 9.2, 9.3, 9.4 and 9.5 do not relate to exclusive rights at all, and the exclusive rights to copyright are already limited pursuant to ss 9.9 et. seq.).

Entity exercising private/personal use	a natural person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	a single copy
Preclusions (not part of private/personal use)	a work of architecture in the form of building or other construction; the whole or of a substantial part of a database in digital form
Subject to Attribution	
Subject to Remuneration	not required ("without the authorization of the author or owner of copyright ")

### 3. Quotations

Provision	s 9.9
Scope of quotation	reproduction, in the form of quotation
Type(s) of source work(s)	a work that has been published, ( <u>a performance, sound recording, broadcast</u> ) <sup>2266</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation is compatible with fair practice  quotation does not exceed the extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, name (if available)
Subject to Remuneration	not required ("permitted without authorization of the owner of copyright ")

### 4. Research/Educational Reproduction

Provision	S 9.12(a).ii
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	published articles, other short works or short extracts of works, ( <u>a performance, sound recording, broadcast</u> ) <sup>2267</sup>
Entity exercising reproduction	educational institution
Purpose of educational reproduction	for face-to-face teaching
Condition of reproduction	the activities of which do not serve direct or indirect commercial gain
Frequency/copies and limits	reproduction to the extent justified by the purpose, provided that act of reproduction is an isolated act occurring, if repeated, on separate and unrelated occasions, and there is no collective license available, offered by a

<sup>2266</sup> S 9.31(b) (exempting all acts referred to in ss 9.2, 9.3, 9.4 and 9.5 [sic] which can be used on works without the authorization of the copyright owner; this would appear to be a reference to the exclusive rights that relate to performances, sound recordings and broadcasts rather than to copyright works, because ss 9.2, 9.3, 9.4 and 9.5 do not relate to exclusive rights at all, and the exclusive rights to copyright are already limited pursuant to ss 9.9 et. seq.).

<sup>2267</sup> S 9.31(b) (exempting all acts referred to in ss 9.2, 9.3, 9.4 and 9.5 [sic] which can be used on works without the authorization of the copyright owner; this would appear to be a reference to the exclusive rights that relate to performances, sound recordings and broadcasts rather than to copyright works, because ss 9.2, 9.3, 9.4 and 9.5 do not relate to exclusive rights at all, and the exclusive rights to copyright are already limited pursuant to ss 9.9 et. seq.).

	collective management organization of which educational institution is or should be aware, under which such reproduction can be made
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("permitted without authorization ")

Provision	s 9.8
Scope of research/educational reproduction	fair use, including such use by reproduction in copies or sound recordings or by any other means
Type(s) of source work(s)	a copyrighted work, ( <u>a performance, sound recording, broadcast</u> ) <sup>2268</sup>
Entity exercising reproduction	
Purpose of educational reproduction	teaching (including multiple copies for classroom use), scholarship or research
Condition of reproduction	to determine if use is fair use, consider all factors, including: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the copyright work; (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; (d) the effect of the use upon the potential market for or value of the work.
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("is not an infringement of copyright")

##### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	S 9.12(a).i
Scope of anthologies/compilations limitation/exception	utilization by way of illustration, in publications
Type(s) of source work(s)	a work that has lawfully been made available to the public, ( <u>a performance, sound recording, broadcast</u> ) <sup>2269</sup>

<sup>2268</sup> S 9.31(b) (exempting all acts referred to in ss 9.2, 9.3, 9.4 and 9.5 [sic] which can be used on works without the authorization of the copyright owner; this would appear to be a reference to the exclusive rights that relate to performances, sound recordings and broadcasts rather than to copyright works, because ss 9.2, 9.3, 9.4 and 9.5 do not relate to exclusive rights at all, and the exclusive rights to copyright are already limited pursuant to ss 9.9 et. seq.).

<sup>2269</sup> S 9.31(b) (exempting all acts referred to in ss 9.2, 9.3, 9.4 and 9.5 [sic] which can be used on works without the authorization of the copyright owner; this would appear to be a reference to the exclusive rights that relate to performances, sound recordings and broadcasts rather than to copyright works, because ss 9.2, 9.3, 9.4 and 9.5 do not relate to exclusive rights at all, and the exclusive rights to copyright are already limited pursuant to ss 9.9 et. seq.).



Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for teaching purposes
Condition of anthologies/compilations limitation/exception	utilization is compatible with fair practice
Frequency/copies and limits	utilization does not exceed the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if practicable)
Subject to Remuneration	not required ("permitted without authorization ")

## 6. School Performances

Provision	s 9.8
Scope of school performance	fair use, including such use by reproduction in copies or sound recordings or by any other means
Type(s) of source work(s)	a copyrighted work, <u>(a performance, sound recording, broadcast)</u> <sup>2270</sup>
Entity exercising school performance	
Purpose of school performance	teaching, scholarship or research
Condition of school performance	to determine if use is fair use, consider all factors, including: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the copyright work; (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; (d) the effect of the use upon the potential market for or value of the work.
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("is not an infringement of copyright")

## 7. Educational Broadcasts/Communications/Recordings

Provision	S 9.12(a).i
Scope of broadcast/communication/recording	utilization by way of illustration, in broadcasting or sound or visual recordings, including the

<sup>2270</sup> S 9.31(b) (exempting all acts referred to in ss 9.2, 9.3, 9.4 and 9.5 [sic] which can be used on works without the authorization of the copyright owner; this would appear to be a reference to the exclusive rights that relate to performances, sound recordings and broadcasts rather than to copyright works, because ss 9.2, 9.3, 9.4 and 9.5 do not relate to exclusive rights at all, and the exclusive rights to copyright are already limited pursuant to ss 9.9 et. seq.).

	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
Type(s) of source work(s)	a work that has lawfully been made available to the public, ( <u>a performance, sound recording, broadcast</u> ) <sup>2271</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for teaching purposes
Condition of broadcast/communication/recording	utilization is compatible with fair practice
Frequency/limits of broadcast/communication/recording	utilization does not exceed the extent justified by the purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if practicable)
Subject to Remuneration	not required ("permitted without authorization ")

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

Provision	s 9.33(iv)
Scope of TPM/RMI restriction	upon request by beneficiary, the Director General of the Intellectual Property Office may order that necessary means be made available to beneficiary in order that he may enjoy or apply the exception or limitation
Type(s) of source work(s)	work or other subject-matter upon which electronic rights management information has been applied
Beneficiary exercising restriction	beneficiary of an exception or limitation in accordance with this Act
Purpose of restriction	to the extent required to [enable beneficiary to] benefit from exception or limitation
Condition of restriction	

<sup>2271</sup> S 9.31(b) (exempting all acts referred to in ss 9.2, 9.3, 9.4 and 9.5 [sic] which can be used on works without the authorization of the copyright owner; this would appear to be a reference to the exclusive rights that relate to performances, sound recordings and broadcasts rather than to copyright works, because ss 9.2, 9.3, 9.4 and 9.5 do not relate to exclusive rights at all, and the exclusive rights to copyright are already limited pursuant to ss 9.9 et. seq.).

## Libya

### 1. Treaties & Legislation

Treaties:

Berne Convention: September 28, 1976 (Paris Act (1971): September 28, 1976)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law No. 9 for 1968 Issuing the Copyright Protection Law

### 2. Private/Personal Use

Provision	Art. 12
Scope of private/personal use	copy
Type(s) of source work(s)	a published work
Entity exercising private/personal use	a person
Purpose of private/personal use	own use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prevent")

Provision	Art. 11
Scope of private/personal use	eurythmy, acting, or delivery
Type(s) of source work(s)	a published work
Entity exercising private/personal use	
Purpose of private/personal use	a family gathering
Condition of private/personal use	does not yield any financial return
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prevent")

### 3. Quotations

Provision	Art. 13
Scope of quotation	analyses and short quotations
Type(s) of source work(s)	a published work
Entity exercising quotation	
Purpose of quotation	criticism, discussion, education or information
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if known)
Subject to Remuneration	not required ("author may not prevent")

4. Research/Educational Reproduction5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 17(a)
Scope of anthologies/compilations limitation/exception	copying, in school books and in literature, history, science and art books
Type(s) of source work(s)	published works
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	short quotations
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("shall be allowed")

Provision	Art. 17(b)
Scope of anthologies/compilations limitation/exception	copying, in school books and in literature, history, science and art books
Type(s) of source work(s)	published works on graphic art, sculpture and photography
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	limited to extent necessary to explain what is written
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("shall be allowed")

6. School Performances

Provision	Art. 11
Scope of school performance	eurythmy, acting, or delivery
Type(s) of source work(s)	a published work
Entity exercising school performance	
Purpose of school performance	a society, a private club or school meeting
Condition of school performance	does not yield any financial return

Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prevent")

7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes
10. Other Limitations/Exceptions

Provision	Art. (8)
Scope of other limitation/exception	author and translator's right to translate source work into Arabic shall expire if not exercised within 3 years from date of first publication/translation
Type(s) of source work(s)	work translated into a foreign language
Entity entitled to limitation/exception	
Purpose of limitation/exception	
Condition of limitation/exception	
Frequency/copies and limits	
Preclusions (not part of limitation/exception)	

## Liechtenstein

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 30, 1931 (Paris Act (1971): September 23, 1999)

WIPO Copyright Treaty: April 30, 2007

WIPO Performances and Phonograms Treaty: April 30, 2007

Legislation:

Law on Copyright and Neighboring Rights (Copyright Law) (version as of 1 June 2016)

Regulation on Copyright and Neighbouring Rights (Copyright Regulation)

### 2. Private/Personal Use

Provision	Art. 22(1)(a)
Scope of private/personal use	use
Type(s) of source work(s)	a published work, (a performance, phonogram, film, broadcast) <sup>2272</sup>
Entity exercising private/personal use	
Purpose of private/personal use	in the personal area and within a circle of persons who are connected closely among each other, such as relatives and friends (as a special purpose)
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	outside the private circle: complete or substantially complete reproduction of copies of works available in commerce, reproduction of works of art, graphical notations of musical works, recording of speeches, performances or presentations on a phonogram, an audiovisual medium, or a data medium <sup>2273</sup>  a computer program <sup>2274</sup>
Subject to Attribution	
Subject to Remuneration	not required <sup>2275</sup>

### 3. Quotations

Provision	Art. 27(1)
Scope of quotation	quote
Type(s) of source work(s)	published works, (performances, phonograms, films, broadcasts) <sup>2276</sup>

<sup>2272</sup> Art. 43 (making applicable mutatis mutandis Arts. 22 to 31 to the rights of performers, phonogram producers, film producers and broadcasting organizations).

<sup>2273</sup> Art. 22(3).

<sup>2274</sup> Art. 22(4).

<sup>2275</sup> Art. 23(1) ("Use of a work in a private circle (Article 22(1)(a)) shall not give rise to a right of remuneration.")

<sup>2276</sup> Art. 43 (making applicable mutatis mutandis Arts. 22 to 31 to the rights of performers, phonogram producers, film producers and broadcasting organizations).

Entity exercising quotation	
Purpose of quotation	quotation serves as explanation, indication, or illustration
Condition of quotation	extent of the quotation is justified by this purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated)
Subject to Remuneration	not required ("shall be permissible")

#### 4. Research/Educational Reproduction

Provision	Art. 22(1)(b)
Scope of research/educational reproduction	use
Type(s) of source work(s)	a published work, (a performance, phonogram, film, broadcast) <sup>2277</sup>
Entity exercising reproduction	
Purpose of educational reproduction	for illustration for instruction or for scientific research
Condition of reproduction	non-commercial purposes
Frequency/copies and limits	to the extent that this is justified
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if feasible)
Subject to Remuneration	remuneration payable by person who reproduces works <i>for private use</i> and manufacturer/importer of blank cassettes or other phonograms and videograms suitable for recording of works to CMO, to be distributed to author <sup>2278</sup>

Provision	Art. 22(1)(c)
Scope of research/educational reproduction	reproduction, on paper or a similar medium through photomechanical procedures or similar procedures
Type(s) of source work(s)	a published work, (a performance, phonogram, film, broadcast) <sup>2279</sup>
Entity exercising reproduction	entity permitted to have copies made through third persons (also deemed to be libraries, other public institutions and businesses that provide their users with copying machines) <sup>2280</sup>
Purpose of educational reproduction	for purposes of instruction, for the scientific research
Condition of reproduction	

<sup>2277</sup> Art. 43 (making applicable mutatis mutandis Arts. 22 to 31 to the rights of performers, phonogram producers, film producers and broadcasting organizations).

<sup>2278</sup> Art. 23(2)-(4).

<sup>2279</sup> Art. 43 (making applicable mutatis mutandis Arts. 22 to 31 to the rights of performers, phonogram producers, film producers and broadcasting organizations).

<sup>2280</sup> Art. 22(2).

Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	remuneration payable by third persons who reproduce works ( <i>on behalf of entity</i> ) to CMO, to be distributed to author <sup>2281</sup>

Provision	Art. 22(1)(d)
Scope of research/educational reproduction	digital reproduction
Type(s) of source work(s)	a published work, (a performance, phonogram, film, broadcast) <sup>2282</sup>
Entity exercising reproduction	
Purpose of educational reproduction	purposes of instruction and for the scientific research
Condition of reproduction	without a direct or indirect economic or commercial purpose
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	remuneration payable by manufacturer/importer of blank cassettes or other phonograms and videograms suitable for recording of works to CMO, to be distributed to author <sup>2283</sup>

5. Educational Publications/Anthologies/Compilations/Composite Works

6. School Performances

Provision	Art. 22(1)(b)
Scope of school performance	use
Type(s) of source work(s)	a published work, (a performance, phonogram, film, broadcast) <sup>2284</sup>
Entity exercising school performance	
Purpose of school performance	for illustration for instruction or for scientific research
Condition of school performance	non-commercial purposes to the extent that this is justified
Preclusions (not part of school performance)	
Subject to Attribution	source, author (if feasible)

<sup>2281</sup> Art. 23(2)-(4).

<sup>2282</sup> Art. 43 (making applicable mutatis mutandis Arts. 22 to 31 to the rights of performers, phonogram producers, film producers and broadcasting organizations).

<sup>2283</sup> Art. 23(3)-(4).

<sup>2284</sup> Art. 43 (making applicable mutatis mutandis Arts. 22 to 31 to the rights of performers, phonogram producers, film producers and broadcasting organizations).



Subject to Remuneration	remuneration payable by manufacturer/importer of blank cassettes or other phonograms and videograms suitable for recording of works to CMO, to be distributed to author <sup>2285</sup>
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### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 22(1)(b)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	a published work, (a performance, phonogram, film, broadcast) <sup>2286</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for illustration for instruction or for scientific research
Condition of broadcast/communication/recording	non-commercial purposes
Frequency/limits of broadcast/communication/recording	to the extent that this is justified
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if feasible)
Subject to Remuneration	remuneration payable by manufacturer/importer of blank cassettes or other phonograms and videograms suitable for recording of works to CMO, to be distributed to author <sup>2287</sup>

### 8. Compulsory Licences for Educational Reproductions and Translations

### 9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 44a(4), (5)
Scope of TPM/RMI restriction	require rightholder who used technological measures in respect of his work to make available means for the “beneficiaries” to use the work
Type(s) of source work(s)	work (but not applicable to works available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them <sup>2288</sup> )
Beneficiary exercising restriction	“beneficiaries”: users who reproduce work/subject-matter for, <i>inter alia</i> , private use (Art. 22(1)(a)), instruction or scientific research (Art. 22(1)(b)-(d)), quotations (Art. 27)
Purpose of restriction	to the extent necessary

<sup>2285</sup> Art. 23(2)-(4).

<sup>2286</sup> Art. 43 (making applicable mutatis mutandis Arts. 22 to 31 to the rights of performers, phonogram producers, film producers and broadcasting organizations).

<sup>2287</sup> Art. 23(2)-(4).

<sup>2288</sup> Art. 44a(5), taken from EU Copyright Directive 2001/29, Art. 6(4).

Condition of restriction	beneficiary to have an enforceable right to realize the permitted user of the work
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## Lithuania

### 1. Treaties & Legislation

Treaties:

Berne Convention: December 14, 1994 (Paris Act (1971): December 14, 1994)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

Law on Copyright and Related Rights No. VIII-1185 of May 18, 1999 (as amended on October 7, 2014 – by Law No. XII-1183)

### 2. Private/Personal Use

Provision	Arts. 20, 58.2
Scope of private/personal use	reproduce (not by reprography)
Type(s) of source work(s)	a work lawfully published or communicated to the public, (a performance, phonogram, audiovisual work (film) or broadcast of a broadcasting organization)
Entity exercising private/personal use	a natural person
Purpose of private/personal use	exclusively for his individual use and not for commercial advantage
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture or other construction works, electronic databases, <sup>2289</sup> computer programs <sup>2290</sup>  any limitation must “not conflict with a normal exploitation of a work/object of related rights and must not prejudice the legitimate interests of author or other owner of copyright/related rights” <sup>2291</sup>
Subject to Attribution	
Subject to Remuneration	reproduction of audiovisual works and phonograms for private/personal use: compensatory remuneration to be paid by sellers of devices and analog and digital blank audio and audiovisual media, collected by CMOs and distributed to owners of copyright and related rights, according to the compensatory remuneration rates set out in Annex I <sup>2292</sup>

<sup>2289</sup> Art. 32 (excepting use of the database that are necessary for access, and appropriate use of its contents as a legitimate user).

<sup>2290</sup> Arts. 30, 31 (excepting use of the computer program, for backup/archival purposes and for decompilation).

<sup>2291</sup> Arts. 19(1), 58.3.

<sup>2292</sup> Arts. 20(5)-(11).

Provision	Art. 20 <sup>1</sup>
Scope of private/personal use	reprographic reproduction (effected by the use of any kind of photocopying technique or by some other process having similar effects, where a work is reproduced on paper or any similar medium)
Type(s) of source work(s)	a lawfully published article or any other short work, or a short extract of a writing with or without illustrations
Entity exercising private/personal use	
Purpose of private/personal use	private use but not for purposes of commercial advantage
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	reproduction by means of reprography of the whole text of a book or a major part thereof, or sheet music  any limitation must “not conflict with a normal exploitation of a work and must not prejudice the legitimate interests of author or other owner of copyright” <sup>2293</sup>
Subject to Attribution	
Subject to Remuneration	compensatory remuneration to be paid by service providers of reprographic reproduction (provided to natural persons) and sellers of reprographic devices, collected by CMOs, distributed to owners of copyright and publishers according to the compensatory remuneration rates set out in Annex II; <sup>2294</sup> but refunded where reprographic devices are purchased for “professional needs” e.g. where works are reproduced in educational institutions <sup>2295</sup>

### 3. Quotations

Provision	Art. 21
Scope of quotation	reproduce, publish and communicate to the public (including making it available to the public via computer networks), in another work
Type(s) of source work(s)	a relatively short passage of a literary and scientific work which has been lawfully published or made available to the public, both in the original and translated language
Entity exercising quotation	

<sup>2293</sup> Art. 19(1).

<sup>2294</sup> Arts. 20<sup>1</sup>(3)-(10).

<sup>2295</sup> Art. 20<sup>1</sup>(6).1 (defining “professional needs” as “the needs of persons who acquire reprographic devices for the purposes evidently other than reproduction of works for private use”).

Purpose of quotation	quotation (for purposes such as criticism or review)
Condition of quotation	use is in accordance with fair practice and to the extent required by the specific purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source, unless infeasible)
Subject to Remuneration	not required ("without a remuneration")

#### 4. Research/Educational Reproduction

Provision	Arts. 22(1), 58.1(5)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	short works, (performances, phonograms, fixations of audiovisual works, broadcasts) <sup>2296</sup> lawfully published or communicated to the public or short extracts of a work lawfully published or communicated to the public, either in the original language or translated into another language
Entity exercising reproduction	
Purpose of educational reproduction	non-commercial purpose of illustration for teaching or scientific research
Condition of reproduction	related to study programmes
Frequency/copies and limits	not exceed the extent justified by the purpose to be achieved
Preclusions (not part of research/educational reproduction)	any limitation must "not conflict with a normal exploitation of a work/object of related rights and must not prejudice the legitimate interests of author or other owner of copyright/related rights" <sup>2297</sup>
Subject to Attribution	source, author (where possible)
Subject to Remuneration	not required ("without the payment of a remuneration")

Provision	Art. 22(2)
Scope of research/educational reproduction	reproduction, communication to the public and public display, by way of illustration
Type(s) of source work(s)	works created to evaluate students' learning achievements
Entity exercising reproduction	
Purpose of educational reproduction	related to study programmes and teacher professional development programmes
Condition of reproduction	non-commercial purposes
Frequency/copies and limits	to the extent justified by the purpose of teaching or teacher professional development
Preclusions (not part of research/educational reproduction)	any limitation must "not conflict with a normal exploitation of a work and must not prejudice the

<sup>2296</sup> Art. 58.1(5).

<sup>2297</sup> Arts. 19(1), 58.3.

	legitimate interests of author or other owner of copyright" <sup>2298</sup>
Subject to Attribution	source, author (where possible)
Subject to Remuneration	not required ("without the payment of a remuneration")

Provision	Arts. 22(3), 58.1(3)
Scope of research/educational reproduction	use
Type(s) of source work(s)	works, (performances, phonograms, fixations of audiovisual works, broadcasts) <sup>2299</sup> held by libraries, by libraries of educational and research institutions, museums or archives (if work is not publicly traded, the copyright owners must not prohibit the use of such works)
Entity exercising reproduction	
Purpose of educational reproduction	non-commercial purpose of research or private study
Condition of reproduction	establishment may reproduce the acquired copies of the works, but only in order to make communication of a work to the public technically possible via computer networks
Frequency/copies and limits	establishment must ensure the use of effective technical protection measures so copies of works would not be reproduced and the content information of works would not be transferred or transmitted outside the terminals of the establishments to external networks  not be permitted to make accessible via computer networks more copies of a work than held by these institutions
Preclusions (not part of research/educational reproduction)	any limitation must "not conflict with a normal exploitation of a work/object of related rights and must not prejudice the legitimate interests of author or other owner of copyright/related rights" <sup>2300</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without the payment of a remuneration")

## 5. Educational Publications/Anthologies/Compilations/Composite Works

### 6. School Performances

Provision	Arts. 22(4), 58.1(6)
Scope of school performance	public performance and public display

<sup>2298</sup> Arts. 19(1).

<sup>2299</sup> Art. 58.1(3).

<sup>2300</sup> Arts. 19(1), 58.3.

Type(s) of source work(s)	a work, (a performance, phonogram, fixation of audiovisual works, broadcast) <sup>2301</sup>
Entity exercising school performance	
Purpose of school performance	non-commercial purposes  concerts, exhibitions of formal and non-formal education institutions and pre-school education institutions (nurseries, nursery-kindergartens, kindergartens; also nurseries, nursery-kindergartens and kindergartens for pre-school education of children with special needs)  such concerts and exhibitions constitute a part of education process carried out by these institutions
Condition of school performance	
Preclusions (not part of school performance)	any limitation must "not conflict with a normal exploitation of a work/object of related rights and must not prejudice the legitimate interests of author or other owner of copyright/related rights" <sup>2302</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without the payment of a remuneration")

## 7. Educational Broadcasts/Communications/Recordings

Provision	Arts. 22(1), 58.1(5)
Scope of broadcast/communication/recording	communication to the public and public display
Type(s) of source work(s)	short works, (performances, phonograms, fixations of audiovisual works, broadcasts) <sup>2303</sup> lawfully published or communicated to the public or short extracts of a work lawfully published or communicated to the public, either in the original language or translated into another language
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	non-commercial purpose of illustration for teaching or scientific research
Condition of broadcast/communication/recording	related to study programmes
Frequency/limits of broadcast/communication/recording	not exceed the extent justified by the purpose to be achieved
Preclusions (not part of broadcast/communication/recording)	any limitation must "not conflict with a normal exploitation of a work/object of related rights and must not prejudice the legitimate interests of

<sup>2301</sup> Art. 58.1(6).

<sup>2302</sup> Arts. 19(1), 58.3.

<sup>2303</sup> Art. 58.1(5).

	author or other owner of copyright/related rights" <sup>2304</sup>
Subject to Attribution	source, author (where possible)
Subject to Remuneration	not required ("without the payment of a remuneration")
Provision	Arts. 22(3), 58.1(3)
Scope of broadcast/communication/recording	communication to the public via terminals designated for that purpose in establishments
Type(s) of source work(s)	works, (performances, phonograms, fixations of audiovisual works, broadcasts) <sup>2305</sup> held by libraries, by libraries of educational and research institutions, museums or archives (if work is not publicly traded, the copyright owners must not prohibit the use of such works)
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	non-commercial purpose of research or private study
Condition of broadcast/communication/recording	establishment may reproduce the acquired copies of the works, but only in order to make communication of a work to the public technically possible via computer networks
Frequency/limits of broadcast/communication/recording	establishment must ensure the use of effective technical protection measures so copies of works would not be reproduced and the content information of works would not be transferred or transmitted outside the terminals of the establishments to external networks  not be permitted to make accessible via computer networks more copies of a work than held by these institutions
Preclusions (not part of broadcast/communication/recording)	any limitation must "not conflict with a normal exploitation of a work/object of related rights and must not prejudice the legitimate interests of author or other owner of copyright/related rights" <sup>2306</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without the payment of a remuneration")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 75
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<sup>2304</sup> Arts. 19(1), 58.3.<sup>2305</sup> Art. 58.1(3).<sup>2306</sup> Arts. 19(1), 58.3.



Scope of TPM/RMI restriction	rightholder to provide voluntary conditions <sup>2307</sup> or adequate means (i.e. decoding devices and others) to enable beneficiaries to use object, failing which <sup>2308</sup> beneficiary has right to apply to Council for mediation
Type(s) of source work(s)	legitimately accessible objects of copyright, related rights or sui generis rights (not objects which have been made available to the public by way of interactive on-demand transmissions, so that members of the public may access them from a place and at a time individually chosen by them)
Beneficiary exercising restriction	“beneficiaries”: persons entitled to use work/object of related rights pursuant to limitations provided for their interests
Purpose of restriction	to extent necessary for beneficiaries to benefit from limitations of copyright, related rights and sui generis rights provided for in their interests under, inter alia, Arts. 20(1), 20 <sup>1</sup> (1), 22.1(1), 58.1(5), 58.2
Condition of restriction	

<sup>2307</sup> Art. 75.3 (providing for owners of copyright, related rights and sui generis rights to furnish information to the institution authorised by the Government about a measure to be applied, and other information related to the implementation of such a measure, including information about on-going negotiations between the owners of the rights, users of the rights and other interested persons).

<sup>2308</sup> Art. 75.4.

## Luxembourg

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 20, 1888 (Paris Act (1971): April 20, 1975)

WIPO Copyright Treaty: March 14, 2010

WIPO Performances and Phonograms Treaty: March 14, 2010

Legislation:

Law of April 18, 2004, amending Law of April 18, 2001 on Copyright, Neighboring Rights and the Databases

Law of July 20, 1992, amending the Patent System

### 2. Private/Personal Use

Provision	Art. 10.4
Scope of private/personal use	reproduction in any medium
Type(s) of source work(s)	a work lawfully made available to the public, (a performance, phonogram, film) <sup>2309</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	for private use
Condition of private/personal use	not directly or indirectly for commercial purpose
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	fair compensation, subject to conditions for fixing and collecting compensation and its level fixed by Grand-Ducal regulation, taking into account application of technical measures to the relevant works, payable to rightholder

Provision	Art. 46.4
Scope of private/personal use	reproduction
Type(s) of source work(s)	performances, (broadcasts) <sup>2310</sup>
Entity exercising private/personal use	
Purpose of private/personal use	for private use
Condition of private/personal use	reproduction made for free  not intended for use or public communication
Frequency/copies and limits	
Preclusions (not part of private/personal use)	reproduction does not prejudice the exploitation of the original performance
Subject to Attribution	
Subject to Remuneration	not required ("may not prohibit")

<sup>2309</sup> Art. 46(2).

<sup>2310</sup> Art. 55 (applying Art. 46 to broadcasts).

3. Quotations

Provision	Art. 10.1
Scope of quotation	short quotations in the original language or in translation
Type(s) of source work(s)	works lawfully made available to the public, (performances, phonograms, films) <sup>2311</sup>
Entity exercising quotation	
Purpose of quotation	critical, polemic, educational, scientific or information purpose of the work in which they are incorporated
Condition of quotation	use of quotation (without authorization of author) to be compatible with fair practice  use of quotation not to be for profit  quotations are justified by their specific purpose
Preclusions (not part of quotation)	quotations do not affect the work or its exploitation
Subject to Attribution	title, author (if indicated on source)
Subject to Remuneration	not required ("author may not prohibit")

Provision	Art. 46.1
Scope of quotation	short quotations in the original language or in translation
Type(s) of source work(s)	work or program in which performance is incorporated, (broadcasts) <sup>2312</sup>
Entity exercising quotation	
Purpose of quotation	critical, polemic, educational, scientific or information purpose of the work or program in which performance is incorporated
Condition of quotation	use of quotation to be compatible with fair practice  use of quotation not to be for profit
Preclusions (not part of quotation)	quotations to the extent that they do not affect the performances or their exploitation
Subject to Attribution	
Subject to Remuneration	not required ("may not prohibit")

4. Research/Educational Reproduction

Provision	Art. 10.2
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	short fragments of works lawfully made available to public, (performances, phonograms, films) <sup>2313</sup>

<sup>2311</sup> Art. 46(2).<sup>2312</sup> Art. 55 (applying Art. 46 to broadcasts).<sup>2313</sup> Art. 46(2).

Entity exercising reproduction	
Purpose of educational reproduction	sole purpose of illustration for teaching or scientific research
Condition of reproduction	use is consistent with fair practice
Frequency/copies and limits	extent justified by the non-commercial purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, including author, unless impossible
Subject to Remuneration	not required ("author may not prohibit")
Provision	Art. 46.9
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	works, (broadcasts) <sup>2314</sup>
Entity exercising reproduction	
Purpose of educational reproduction	by way of illustration for teaching
Condition of reproduction	use is compatible with fair practice
Frequency/copies and limits	extent justified by intended purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	.
Subject to Remuneration	not required ("may not prohibit")

5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	Art. 10.2
Scope of broadcast/communication/recording	communication to the public
Type(s) of source work(s)	short fragments of works lawfully made available to public, (performances, phonograms, films) <sup>2315</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	sole purpose of illustration for teaching or scientific research
Condition of broadcast/communication/recording	use is consistent with fair practice
Frequency/limits of broadcast/communication/recording	extent justified by the non-commercial purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, including author, unless impossible
Subject to Remuneration	not required ("author may not prohibit")
Provision	Art. 46.9
Scope of broadcast/communication/recording	communication to the public

<sup>2314</sup> Art. 55 (applying Art. 46 to broadcasts).<sup>2315</sup> Art. 46(2).

Type(s) of source work(s)	works, (broadcasts) <sup>2316</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	by way of illustration for teaching
Condition of broadcast/communication/recording	use is compatible with fair practice
Frequency/limits of broadcast/communication/recording	extent justified by intended purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("may not prohibit")

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 71 quinquies
Scope of TPM/RMI restriction	require rightholder who used technological protection measures in respect of his work/performance to take necessary measures, including by contract, to ensure for the "beneficiaries" the unhindered exercise of the exception
Type(s) of source work(s)	legally accessed work/performance
Beneficiary exercising restriction	"beneficiaries": users who reproduce/communicate work/subject-matter for illustration for private reproductions (Art. 10.4, 46.4), for teaching or scientific research (Arts. 10.2, 46.9)
Purpose of restriction	to the extent necessary and to have legal access to the protected work or subject-matter
Condition of restriction	where rightholder is in default, beneficiaries and professional groups/associations representing them may bring an injunction to stop implementation of technological measures that impede the exercise of the aforesaid exceptions

<sup>2316</sup> Art. 55 (applying Art. 46 to broadcasts).

## Madagascar

### 1. Treaties & Legislation

Treaties:

Berne Convention: January 1, 1966 (Brussels Act (1948): January 1, 1966)

WIPO Copyright Treaty: February 24, 2015

WIPO Performances and Phonograms Treaty: February 24, 2015

Legislation:

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

### 2. Private/Personal Use

Provision	Art. 42
Scope of private/personal use	reproduction
Type(s) of source work(s)	a work lawfully published
Entity exercising private/personal use	
Purpose of private/personal use	exclusively for the private use of the user
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture, reprographic reproduction of limited-edition works of fine art, musical notation, exercise manuals that are used only once, whole or substantial part of a database, computer program <sup>2317</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without authorization from the author")

Provision	Art.115(2)
Scope of private/personal use	reproduction
Type(s) of source work(s)	a performance, phonogram, videogram, programme <sup>2318</sup>
Entity exercising private/personal use	
Purpose of private/personal use	strictly reserved for the private use of the person making them
Condition of private/personal use	not intended for collective use
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	works fixed on phonograms or videograms: remuneration paid by manufacturer/importer of reproduction machines, recording media used for reproduction of private use of works and

<sup>2317</sup> Art. 51 (excepting use of the computer program and for backup/archival purposes).

<sup>2318</sup> Art. 115(1).

	objects, collected by CMOs, distributed to authors, performers and producers <sup>2319</sup>
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Provision	Art. 43(1)
Scope of private/personal use	performances
Type(s) of source work(s)	a disclosed work, (a performance, phonogram, videogram, programme) <sup>2320</sup>
Entity exercising private/personal use	
Purpose of private/personal use	private performance
Condition of private/personal use	given free of charge and exclusively within the family circle
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author cannot prohibit")

### 3. Quotations

Provision	Art. 44
Scope of quotation	use, in another work
Type(s) of source work(s)	analyses and short quotations from a lawfully published work
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation is in line with good practice  length of quotation is no greater than that warranted by the goal to be achieved
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without payment of remuneration")

Provision	Art. 115(3)
Scope of quotation	analyses and short quotations
Type(s) of source work(s)	a performance, phonogram, videogram, programme <sup>2321</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	warranted by the critical, polemical, pedagogical, scientific or informative nature of the work into which they are incorporated
Preclusions (not part of quotation)	
Subject to Attribution	source
Subject to Remuneration	not required ("beneficiaries of [neighbouring] rights... cannot prohibit")

<sup>2319</sup> Arts. 116-123.

<sup>2320</sup> Art. 115(1).

<sup>2321</sup> Art. 115(1).

**4. Research/Educational Reproduction**

Provision	Art. 45(2)
Scope of research/educational reproduction	reproduce by reprographic means
Type(s) of source work(s)	isolated articles lawfully published in a newspaper or periodical, or short extracts from a work lawfully published
Entity exercising reproduction	
Purpose of educational reproduction	for teaching or examinations in teaching establishments
Condition of reproduction	activities are not directly or indirectly aimed at commercial profit,
Frequency/copies and limits	to the extent warranted by the goal to be achieved
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

**5. Educational Publications/Anthologies/Compilations/Composite Works**

Provision	Art. 45(1)
Scope of anthologies/compilations limitation/exception	use, as an illustration, in publications
Type(s) of source work(s)	lawfully published work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	intended for teaching
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without payment of remuneration")

**6. School Performances**

Provision	Art. 43(3)
Scope of school performance	performance
Type(s) of source work(s)	a disclosed work
Entity exercising school performance	
Purpose of school performance	activities of teaching establishments, to the staff and students of such an establishment
Condition of school performance	non-lucrative activities



	audience is composed exclusively of the staff and students of the establishment or of parents and supervisors of the children or other persons directly connected with the activities of the establishment
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("author cannot prohibit")

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 45(2)
Scope of broadcast/communication/recording	use, as an illustration, in broadcasts of sound or visual recordings
Type(s) of source work(s)	lawfully published work
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	intended for teaching
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

## Malawi

### 1. Treaties & Legislation

Treaties:

Berne Convention: October 12, 1991 (Paris Act (1971): October 12, 1991)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

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

### 2. Private/Personal Use

Provision	s 38
Scope of private/personal use	reproduction, translation, adaptation, arrangement or other transformation
Type(s) of source work(s)	a work (in its original language or a translation) <sup>2322</sup> which has already been lawfully made available to the public
Entity exercising private/personal use	
Purpose of private/personal use	user's own personal or private use
Condition of private/personal use	made on the basis of a representation that is authorized under this Act  made at the initiative of the user  made not for purposes of gain
Frequency/copies and limits	made only in single copies
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("without the obligation to pay remuneration") <sup>2323</sup>

### 3. Quotations

Provision	s 39
Scope of quotation	inclusion, in another work, of quotations
Type(s) of source work(s)	a work (in its original language or a translation) <sup>2324</sup> already lawfully made available to the public, including newspaper articles and periodicals in the form of press summaries
Entity exercising quotation	
Purpose of quotation	

<sup>2322</sup> S 36(2) (providing that the character of the work is not altered or prejudiced, and that the source and name of author be mentioned in the manner required by proper usage).

<sup>2323</sup> S 36(1).

<sup>2324</sup> S 36(2) (providing that the character of the work is not altered or prejudiced, and that the source and name of author be mentioned in the manner required by proper usage).

Condition of quotation	quotations are compatible with fair practice  extent of quotations used does not exceed that justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("without the obligation to pay remuneration") <sup>2325</sup>

#### 4. Research/Educational Reproduction

Provision	s 40
Scope of research/educational reproduction	use with text of critical or scientific presentations
Type(s) of source work(s)	artistic works which have already been lawfully made available to the public
Entity exercising reproduction	
Purpose of educational reproduction	
Condition of reproduction	text of critical or scientific presentations have not been prepared for commercial purposes  use is comparable with fair practice
Frequency/copies and limits	use to extent required for purposes of, and in connection with the text of presentations
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without the obligation to pay remuneration") <sup>2326</sup>
Provision	s 48(1), (2)(a)(iii)
Scope of research/educational reproduction	make copies of works
Type(s) of source work(s)	a work which has already been lawfully made available to the public <sup>2327</sup>
Entity exercising reproduction	libraries, archives, museums, scientific institutions and educational establishments designated by Minister by notice published in the Gazette  entity is a beneficiary of the Printed Publications Act
Purpose of educational reproduction	copies of the work cannot be obtained from a sales outlet, the publisher, the producer or the importer
Condition of reproduction	reproduction of works shall not be made with intent of direct or indirect gain  copies are made in the same form as the copy from which the reproduction was made

<sup>2325</sup> S 36(1).

<sup>2326</sup> S 36(1).

<sup>2327</sup> S 48(2)(b).

	<p>(printouts from machine-readable material permitted except when otherwise provided)</p> <p>machine readable copies and copies of sound or audiovisual recordings shall be used only on premises of entity (body having made the reproduction), or on individual request, on the premises of another body designated by the Minister, which is under the obligation to return, delete or destroy the copy<sup>2328</sup></p> <p>no access to a facility for reproduction shall be provided if machine-readable copies, sound or audiovisual recordings are made available to the public<sup>2329</sup></p>
Frequency/copies and limits	<p>number of copies made and the use thereof, shall be limited to the needs of the regular activities of the body reproducing the work</p> <p>work is a computer program: copy made is not a machine readable copy</p> <p>sound or audiovisual recording: number of copies made does not exceed number of copies of recording already contained in the collection</p>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	if copy is delivered against payment, licence from Society shall be required

Provision	s 48(1), (2)(a)(iv)
Scope of research/educational reproduction	make copies of works
Type(s) of source work(s)	a work which has already been lawfully made available to the public <sup>2330</sup>
Entity exercising reproduction	libraries, archives, museums, scientific institutions and educational establishments designated by Minister by notice published in the Gazette
Purpose of educational reproduction	to assist a particular personal and individual research or study
Condition of reproduction	<p>reproduction of works shall not be made with intent of direct or indirect gain</p> <p>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</p>

<sup>2328</sup> S 48(2)(g).

<sup>2329</sup> S 48(2)(h).

<sup>2330</sup> S 48(2)(b).

	<p>collections: making copies in a paper format, including printouts</p> <p>machine readable copies and copies of sound or audiovisual recordings shall be used only on premises of entity (body having made the reproduction), or on individual request, on the premises of another body designated by the Minister, which is under the obligation to return, delete or destroy the copy<sup>2331</sup></p> <p>no access to a facility for reproduction shall be provided if machine-readable copies, sound or audiovisual recordings are made available to the public<sup>2332</sup></p>
Frequency/copies and limits	<p>only one copy of the work may be delivered to individual requesting access thereto, either directly or to another body designated, by notice published in the Gazette, to which individual made the request<sup>2333</sup></p> <p>work is a computer program: copy made is not a machine readable copy</p> <p>sound or audiovisual recording: number of copies made does not exceed number of copies of recording already contained in the collection</p>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	if copy is delivered against payment, licence from Society shall be required

Provision	s 59
Scope of research/educational reproduction	reproduce
Type(s) of source work(s)	works that have already lawfully been made available to the public
Entity exercising reproduction	institution responsible for arranging public examinations
Purpose of educational reproduction	for public examinations
Condition of reproduction	institution which is responsible for arranging public examinations shall, immediately upon the finalization of the examination, report to the Society on the reproduction of the work, the number of copies made, the name of the author and the source from which the reproduction was made, and the report shall be accompanied by two copies of the examination paper

<sup>2331</sup> S 48(2)(g).

<sup>2332</sup> S 48(2)(h).

<sup>2333</sup> S 48(2)(a)(iv).

Frequency/copies and limits	reproduction under this section shall be limited to the number of copies necessary to conduct the examination and the documentation thereof
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	institution shall pay remuneration in accordance with tariffs set by the Society, and the remuneration shall be collected, and distributed to the author, by the Society

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 41
Scope of anthologies/compilations limitation/exception	use in publications (no requirement for a reproduction licence to be obtained from the Society)
Type(s) of source work(s)	a work which has already been lawfully made available to the public
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	by way of illustration for teaching
Condition of anthologies/compilations limitation/exception	use is compatible with fair practice
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	
Subject to Remuneration	not required ("without the obligation to pay remuneration") <sup>2334</sup>

#### 6. School Performances

Provision	s 42
Scope of school performance	public performance of a work and the public display of copies of a work
Type(s) of source work(s)	work (not an audiovisual work) has already been lawfully made available to the public
Entity exercising school performance	schools, universities and professional training [entities]
Purpose of school performance	made in an educational context in entity
Condition of school performance	performance is not made in a dramatic form  no gainful intent for the performance or display
Preclusions (not part of school performance)	
Subject to Attribution	

<sup>2334</sup> S 36(1).

Subject to Remuneration	not required ("without the obligation to pay remuneration") <sup>2335</sup>
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#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 41
Scope of broadcast/communication/recording	use in broadcasts or programmes communicated to the public by cable, audiovisual works, sound recordings (no requirement for a reproduction licence to be obtained from the Society)
Type(s) of source work(s)	a work which has already been lawfully made available to the public
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	by way of illustration for teaching
Condition of broadcast/communication/recording	use is compatible with fair practice
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("without the obligation to pay remuneration") <sup>2336</sup>

Provision	s 48(3)
Scope of broadcast/communication/recording	use terminals on entity's own premises to make works in its collections available to individuals
Type(s) of source work(s)	work has already been lawfully made available to the public
Entity exercising broadcast/communication/recording	libraries, archives, museums, scientific institutions and educational establishments designated by Minister by notice published in the Gazette
Purpose of broadcast/communication/recording	for the purpose of research or private study
Condition of broadcast/communication/recording	not for direct or indirect gain no access to a facility for digital reproduction or transmission is provided to the public <sup>2337</sup>
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	work has not been obtained pursuant to Printed Publications Act or s 48(1)(a)(iii)

<sup>2335</sup> S 36(1).

<sup>2336</sup> S 36(1).

<sup>2337</sup> S 48(3)(c).

	no implication in s 48(2) of a permission to make machine readable copies for purpose of making work available on a terminal <sup>2338</sup>
Subject to Attribution	
Subject to Remuneration	

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	s 60
Nature of compulsory licence for translation for educational purposes	non-exclusive, non-transferable <sup>2339</sup> compulsory licence, for translation into a foreign language or any language of Malawi, and publication of such translation in copies in Malawi <sup>2340</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>2341</sup> no digital dissemination <sup>2342</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	works expressed exclusively in words <sup>2343</sup>  (for broadcasting organisations) works expressed exclusively in words, in printed form or other form of reproduction, <sup>2344</sup> including any text incorporated in an audio-visual work that was itself prepared and published for the sole purpose of being used in connection with systematic instructional activities <sup>2345</sup>
Licence applicant/entity	licence applicant is a citizen of Malawi or is ordinarily resident in Malawi <sup>2346</sup> or a broadcasting organisation <sup>2347</sup>
Purpose of licence	purpose of teaching, scholarship or research <sup>2348</sup>  (for broadcasting organisations) for broadcasts intended exclusively for teaching or for the dissemination of the result of specialized research to experts in a particular profession, <sup>2349</sup> through broadcasts that are lawfully made and are intended for reception in Malawi, including

<sup>2338</sup> S 48(3) [sic] (probably refers to s 48(4)).

<sup>2339</sup> S 61(1)(c).

<sup>2340</sup> S 61(1)(a).

<sup>2341</sup> S 2 (defining "reproduction" as "the making of one or more copies of a literary, dramatic, musical or artistic work or expressions of folklore or fixation in any material form including any audio-visual work or sound recording", and "published works" as "works reproduced with the consent of their authors in copies made available to the public in a quantity sufficient to satisfy a reasonable demand for the work").

<sup>2342</sup> S 29 defines the economic rights as reproduction, distribution, translation etc., and communication to the public. S 2 in turn defines "communication to the public" as "making a work accessible to the public". s 60 makes no reference to the economic right of communication to the public.

<sup>2343</sup> S 60(1), (2).

<sup>2344</sup> S 62(1).

<sup>2345</sup> S 62(3).

<sup>2346</sup> S 60(2).

<sup>2347</sup> S 62(1).

<sup>2348</sup> S 61(1)(b).

<sup>2349</sup> S 62(1)(b).



	broadcasts made from audio-visual works or sound recordings that are lawfully made for the sole purpose of such broadcasts <sup>2350</sup>
Condition of licence	<p>licence application may be made: 3 years from first publication (for translation into any language other than a language of Malawi),<sup>2351</sup> or 1 year from first publication (for translation into any language of Malawi)<sup>2352</sup></p> <p>work has not been previously translated into the language in the licence application and published by the owner of the right of translation, or if translation has been so published, all previous editions in that language are out of print<sup>2353</sup></p> <p>licence applicant has requested and been denied authorisation by owner of right of translation, or was unable to find owner after due diligence, despite sending request to publisher or to any designated national or international information centre<sup>2354</sup></p> <p>a further period of 6/9 months has lapsed from date licence applicant complies with licence requirements<sup>2355</sup></p> <p>no licence shall be granted if, during further period, a translation into said language has been published by or with authorisation of owner<sup>2356</sup></p> <p>if work is composed mainly of illustrations, the additional conditions in s 18 are fulfilled<sup>2357</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>2358</sup></p> <p>on all copies of the published translation are printed: the name of author and original title,<sup>2359</sup> a notice in the language of the translation</p>

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<sup>2350</sup> S 62(1)(c)

<sup>2351</sup> S 60(3)(a).

<sup>2352</sup> S 60(3)(b).

<sup>2353</sup> S 60(4)(a).

<sup>2354</sup> S 60(4)(c)-(d).

<sup>2355</sup> S 60(6)(a), (b) (6 months for translation into any language other than a language of Malawi, 9 months for translation into a language of Malawi).

<sup>2356</sup> S 60(7).

<sup>2357</sup> S 60(8).

<sup>2358</sup> S 60(9).

<sup>2359</sup> S 61(2)(a).

	stating that the copy is available for distribution only in Malawi, <sup>2360</sup> a reprint of the original copyright notice <sup>2361</sup>  subject to licensee's sale of existing copies, licence terminated if translation right owner has published or authorised the publishing of translated work, at a price reasonably related to that normally charged in Malawi for comparable works <sup>2362</sup>
Compulsory licence fee(s)	beneficiary of compulsory licence to pay just compensation to owner of work, consistent with normally payable standards of royalties <sup>2363</sup>
Price of publication	
Distribution conditions	copies of translated work may not be exported <sup>2364</sup>  (for broadcasting organisations) translations of audiovisual work or sound recording may only be exchanged between divisions/departments of broadcasting organisation <sup>2365</sup>
Grantor of compulsory licence	Minister
Provision	S 63
Nature of compulsory licence for reproduction for educational purposes	non-exclusive, <sup>2366</sup> non-transferable <sup>2367</sup> compulsory licence, for: reproduction and publication of reproduction in copies <sup>2368</sup> in Malawi <sup>2369</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>2370</sup> no digital dissemination <sup>2371</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	a literary, dramatic, musical or artistic work is published in printed form or other form of reproduction <sup>2372</sup>

<sup>2360</sup> S 61(2)(b).

<sup>2361</sup> S 61(2)(c).

<sup>2362</sup> S 61(3).

<sup>2363</sup> S 61(1)(f).

<sup>2364</sup> S 61(1)(d), (e).

<sup>2365</sup> S 62(2).

<sup>2366</sup> S 63(2).

<sup>2367</sup> S 64(1)(b).

<sup>2368</sup> S 63(2).

<sup>2369</sup> S 64(1)(a).

<sup>2370</sup> S 2 (defining "reproduction" as "the making of one or more copies of a literary, dramatic, musical or artistic work or expressions of folklore or fixation in any material form including any audio-visual work or sound recording", and "published works" as "works reproduced with the consent of their authors in copies made available to the public in a quantity sufficient to satisfy a reasonable demand for the work").

<sup>2371</sup> S 29 defines the economic rights as reproduction, distribution, translation etc., and communication to the public. S 2 in turn defines "communication to the public" as "making a work accessible to the public". s 60 makes no reference to the economic right of communication to the public.

<sup>2372</sup> S 63(7).

Licence applicant/entity	licence applicant a citizen of Malawi or ordinarily resident in Malawi <sup>2373</sup>
Purpose of licence	systematic instructional activities <sup>2374</sup>
Condition of licence	<p>licence application may be made: works of fiction, poetry, drama, music or art - 7 years from first publication, or works of technology, natural and physical sciences, mathematics - 3 years from first publication, or any other work - 5 years from first publication<sup>2375</sup></p> <p>work has not been previously reproduced and published by the owner/authorised person in Malawi, to the general public or in connection with systematic instructional activities, at a price reasonably related to that charged in Malawi for comparable works, or, such copies have not been on sale or distribution in Malawi for the immediately preceding 6 months<sup>2376</sup></p> <p>licence applicant has requested and been denied authorisation by owner of right of reproduction, or was unable to owner after due diligence, despite sending request to publisher or to any designated national or international information centre<sup>2377</sup></p> <p>a “further period” of 6 months has lapsed from date licence applicant complies with licence requirements<sup>2378</sup></p> <p>no licence shall be granted if, during “further period”, a distribution or placing on sale has taken place by or with authorisation of owner<sup>2379</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>2380</sup></p> <p>no licence shall be granted if translation was not published by owner of right of translation or with his authorization, or where translation is not in a language in general use in Malawi<sup>2381</sup></p>

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<sup>2373</sup> S 63(2).

<sup>2374</sup> S 64(1)(a).

<sup>2375</sup> S 63(3)(a).

<sup>2376</sup> S 63(3)(b)(i).

<sup>2377</sup> S 63(3)(b)(ii)-(iv).

<sup>2378</sup> S 63(5).

<sup>2379</sup> S 63(6).

<sup>2380</sup> S 63(8).

<sup>2381</sup> S 63(7).

	<p>licensee to ensure that edition of work is accurately reproduced<sup>2382</sup></p> <p>on all copies of the published reproduction are included: the name of author and original title,<sup>2383</sup> a notice in the language of the publication stating that the copy is available for distribution only in Malawi,<sup>2384</sup> a reprint of the original copyright notice (if available)<sup>2385</sup></p> <p>subject to licensee's sale of existing copies, licence terminated if reproduction right owner has distributed the reproduction in Malawi to the general public or in connection with systematic instructional activities, in same language and substantially same content, at a price reasonably related to that normally charged in Malawi for comparable works<sup>2386</sup></p>
Compulsory licence fee(s)	beneficiary of compulsory licence to pay just compensation to owner of reproduction right in the work, consistent with normally payable standards of royalties <sup>2387</sup>
Price of publication	a price reasonably related to, or lower than, that normally charged in Malawi for comparable work <sup>2388</sup>
Distribution conditions	copies of reproduced work may only be published within Malawi and not be exported <sup>2389</sup>
Grantor of compulsory licence	Minister
Provision	S 65(1)(a)
Nature of compulsory licence for reproduction for educational purposes	compulsory licence, for reproduction/publication in audiovisual form, including any protected work incorporated in it <sup>2390</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication (in audio-visual form) <sup>2391</sup> no digital dissemination <sup>2392</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	a lawfully made audio-visual work

<sup>2382</sup> S 64(2).

<sup>2383</sup> S 64(2)(a)

<sup>2384</sup> S 64(2)(b)

<sup>2385</sup> S 64(2)(c)

<sup>2386</sup> S 64(3).

<sup>2387</sup> S 64(1)(e).

<sup>2388</sup> S 64(1)(a).

<sup>2389</sup> S 64(1)(c), (d), (2)(b).

<sup>2390</sup> S 65(1)(a)

<sup>2391</sup> S 65(2) makes reference to the preparation or publication of the audio-visual work in connexion with systematic instructional activities. See also s 2 (defining "reproduction" as "the making of one or more copies of a literary, dramatic, musical or artistic work or expressions of folklore or fixation in any material form including any audio-visual work or sound recording", and "published works" as "works reproduced with the consent of their authors in copies made available to the public in a quantity sufficient to satisfy a reasonable demand for the work").

<sup>2392</sup> S 29 defines the economic rights as reproduction, distribution, translation etc., and communication to the public. S 2 in turn defines "communication to the public" as "making a work accessible to the public". s 65 makes no reference to the economic right of communication to the public.

Licence applicant/entity	any person
Purpose of licence	audio-visual work is prepared or published for the sole purpose of being used in connexion with systematic instructional activities <sup>2393</sup>
Condition of licence	<p>licence application may be made: works of fiction, poetry, drama, music or art - 7 years from first publication, or works of technology, natural and physical sciences, mathematics - 3 years from first publication, or any other work - 5 years from first publication<sup>2394</sup></p> <p>work has not been previously reproduced and published by the owner/authorised person in Malawi, to the general public or in connection with systematic instructional activities, at a price reasonably related to that charged in Malawi for comparable works, or, such copies have not been on sale or distribution in Malawi for the immediately preceding 6 months<sup>2395</sup></p> <p>licence applicant has requested and been denied authorisation by owner of right of reproduction, or was unable to owner after due diligence, despite sending request to publisher or to any designated national or international information centre <sup>2396</sup></p> <p>a “further period” of 6 months has lapsed from date licence applicant complies with licence requirements<sup>2397</sup></p> <p>no licence shall be granted if, during “further period”, a distribution or placing on sale has taken place by or with authorisation of owner<sup>2398</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>2399</sup></p> <p>no licence shall be granted if translation was not published by owner of right of translation or with his authorization, or where translation is not in a language in general use in Malawi<sup>2400</sup></p>

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<sup>2393</sup> S 22(2).

<sup>2394</sup> S 63(3)(a).

<sup>2395</sup> S 63(3)(b)(i).

<sup>2396</sup> S 63(3)(b)(ii)-(iv).

<sup>2397</sup> S 63(5).

<sup>2398</sup> S 63(6).

<sup>2399</sup> S 63(8).

<sup>2400</sup> Para. 3(7), Second Schedule.

	<p>licensee to ensure that edition of work is accurately reproduced<sup>2401</sup></p> <p>on all copies of the published reproduction are included: the name of author and original title,<sup>2402</sup> a notice in the language of the publication stating that the copy is available for distribution only in Malawi,<sup>2403</sup> a reprint of the original copyright notice (if available)<sup>2404</sup></p> <p>subject to licensee's sale of existing copies, licence terminated if reproduction right owner has distributed the reproduction in Malawi to the general public or in connection with systematic instructional activities, in same language and substantially same content, at a price reasonably related to that normally charged in Malawi for comparable works<sup>2405</sup></p>
Compulsory licence fee(s)	beneficiary of compulsory licence to pay just compensation to owner of reproduction right in the work, consistent with normally payable standards of royalties <sup>2406</sup>
Price of publication	a price reasonably related to, or lower than, that normally charged in Malawi for comparable work <sup>2407</sup>
Distribution conditions	copies of reproduced work may only be published within Malawi and not be exported <sup>2408</sup>
Grantor of compulsory licence	Minister
Provision	S 65(1)(b)
Nature of compulsory licence for reproduction for educational purposes	compulsory licence, for translation into either a foreign language or any language of Malawi <sup>2409</sup> ,
Scope of compulsory licence for digital copying and dissemination	probably digital reproduction probably digital publication <sup>2410</sup> no digital dissemination <sup>2411</sup>
Facilities provided in Paris Act, Appendix	

<sup>2401</sup> S 64(2).

<sup>2402</sup> S 64(2)(a)

<sup>2403</sup> S 64(2)(b)

<sup>2404</sup> S 64(2)(c)

<sup>2405</sup> S 64(3).

<sup>2406</sup> S 64(1)(e).

<sup>2407</sup> S 64(1)(a).

<sup>2408</sup> S 64(1)(c), (d), (2)(b).

<sup>2409</sup> S 65(1)(b).

<sup>2410</sup> S 65(2) makes reference to the preparation or publication of the audio-visual work in connexion with systematic instructional activities. See also s 2 (defining "reproduction" as "the making of one or more copies of a literary, dramatic, musical or artistic work or expressions of folklore or fixation in any material form including any audio-visual work or sound recording", and "published works" as "works reproduced with the consent of their authors in copies made available to the public in a quantity sufficient to satisfy a reasonable demand for the work").

<sup>2411</sup> S 29 defines the economic rights as reproduction, distribution, translation etc., and communication to the public. S 2 in turn defines "communication to the public" as "making a work accessible to the public". s 65 makes no reference to the economic right of communication to the public.

Type(s) of source work(s)	any text incorporated in lawfully made audio-visual work (including any protected work incorporated in it)
Licence applicant/entity	any person
Purpose of licence	audio-visual work is prepared or published for the sole purpose of being used in connexion with systematic instructional activities <sup>2412</sup>
Condition of licence	<p>licence application may be made: works of fiction, poetry, drama, music or art - 7 years from first publication, or works of technology, natural and physical sciences, mathematics - 3 years from first publication, or any other work - 5 years from first publication<sup>2413</sup></p> <p>work has not been previously reproduced and published by the owner/authorised person in Malawi, to the general public or in connection with systematic instructional activities, at a price reasonably related to that charged in Malawi for comparable works, or, such copies have not been on sale or distribution in Malawi for the immediately preceding 6 months<sup>2414</sup></p> <p>licence applicant has requested and been denied authorisation by owner of right of reproduction, or was unable to owner after due diligence, despite sending request to publisher or to any designated national or international information centre<sup>2415</sup></p> <p>a “further period” of 6 months has lapsed from date licence applicant complies with licence requirements<sup>2416</sup></p> <p>no licence shall be granted if, during “further period”, a distribution or placing on sale has taken place by or with authorisation of owner<sup>2417</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>2418</sup></p> <p>no licence shall be granted if translation was not published by owner of right of translation or with</p>

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<sup>2412</sup> S 22(2).

<sup>2413</sup> S 63(3)(a).

<sup>2414</sup> S 63(3)(b)(i).

<sup>2415</sup> S 63(3)(b)(ii)-(iv).

<sup>2416</sup> S 63(5).

<sup>2417</sup> S 63(6).

<sup>2418</sup> S 63(8).

	<p>his authorization, or where translation is not in a language in general use in Malawi<sup>2419</sup></p> <p>licensee to ensure that edition of work is accurately reproduced<sup>2420</sup></p> <p>on all copies of the published reproduction are included: the name of author and original title,<sup>2421</sup> a notice in the language of the publication stating that the copy is available for distribution only in Malawi,<sup>2422</sup> a reprint of the original copyright notice (if available)<sup>2423</sup></p> <p>subject to licensee's sale of existing copies, licence terminated if reproduction right owner has distributed the reproduction in Malawi to the general public or in connection with systematic instructional activities, in same language and substantially same content, at a price reasonably related to that normally charged in Malawi for comparable works<sup>2424</sup></p>
Compulsory licence fee(s)	beneficiary of compulsory licence to pay just compensation to owner of reproduction right in the work, consistent with normally payable standards of royalties <sup>2425</sup>
Price of publication	a price reasonably related to, or lower than, that normally charged in Malawi for comparable work <sup>2426</sup>
Distribution conditions	copies of reproduced work may only be published within Malawi and not be exported <sup>2427</sup>
Grantor of compulsory licence	Minister

#### 9. TPM/RMI Exceptions for Educational Purposes

Provision	s 86
Scope of TPM/RMI restriction	owner of copyright who used TPM in respect of his protected work/other subject matter to ensure that beneficiary who has legal access is able to use work/other subject matter without impediment of an effective TPM; failing which on beneficiary's petition to Society, owner be ordered to provide information necessary to enable work/other subject-matter to be used, or Society may in addition enable beneficiary to

<sup>2419</sup> Para. 3(7), Second Schedule.

<sup>2420</sup> S 64(2).

<sup>2421</sup> S 64(2)(a)

<sup>2422</sup> S 64(2)(b)

<sup>2423</sup> S 64(2)(c)

<sup>2424</sup> S 64(3).

<sup>2425</sup> S 64(1)(e).

<sup>2426</sup> S 64(1)(a).

<sup>2427</sup> S 64(1)(c), (d), (2)(b).



	circumvent applied TPM if owner fails to adhere to time limit imposed in such order
Type(s) of source work(s)	protected work/other subject matter (not computer programs)
Beneficiary exercising restriction	“beneficiaries”: entity using works by way of illustration for teaching (s 41), performances in an educational context (s 42), educational establishments designated by notice to make copies of works (s 48), institutions responsible for arranging public examinations (s 59)
Purpose of restriction	to ensure that work/other subject-matter may be used in accordance with purpose of relevant limitation/exception
Condition of restriction	not applicable to protected work/other subject-matter on agreed terms is communicated to the public in such a way that the individual can choose the time and place of access to the work or subject matter

## Malaysia

### 1. Treaties & Legislation

Treaties:

Berne Convention: October 1, 1990 (Paris Act (1971): October 1, 1990)

WIPO Copyright Treaty: December 27, 2012

WIPO Performances and Phonograms Treaty: December 27, 2012

Legislation:

Copyright Act 1987 (Act 332, as at 1 January 2006)

Copyright (Amendment) Act 2012 (Act A1420)

### 2. Private/Personal Use

Provision	s 13(2)(a)
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a literary, musical or artistic work, a film, or a sound recording or a derivative work, (typographical arrangement of a published edition) <sup>2428</sup> , (a broadcast) <sup>2429</sup>
Entity exercising private/personal use	
Purpose of private/personal use	including research, private study
Condition of private/personal use	to determine if dealing constitutes fair dealing, the factors to be considered shall include: (a) the purpose and character of the dealing, including whether such dealing is of a commercial nature or for non-profit educational purposes; (b) the nature of the copyright work; (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; (d) the effect of the dealing upon the potential market for or value of the work.
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	title, author (except where work is incidentally included in a broadcast) <sup>2430</sup>
Subject to Remuneration	not required ("does not include the right to control")

Provision	s 13(2)(gg)
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<sup>2428</sup> S 9(4).

<sup>2429</sup> S 15(2).

<sup>2430</sup> S 9(4) proviso.

Scope of private/personal use	making a sound recording, in so far as it consists of sounds
Type(s) of source work(s)	a broadcast, or a literary, dramatic or musical work, sound recording or a film included in the broadcast, (a performance) <sup>2431</sup>
Entity exercising private/personal use	
Purpose of private/personal use	private and domestic use of the person by whom the sound recording is made
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("does not include the right to control")

Provision	s 13(2)(ggg)
Scope of private/personal use	making a film, in so far as it consists of visual images
Type(s) of source work(s)	a broadcast, or a literary, artistic, dramatic or musical work, or a film included in the broadcast, (a performance) <sup>2432</sup>
Entity exercising private/personal use	
Purpose of private/personal use	private and domestic use of the person by whom the film is made
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("does not include the right to control")

### 3. Quotations

Provision	s 13(2)(a)
Scope of quotation	fair dealing
Type(s) of source work(s)	a literary, musical or artistic work, a film, or a sound recording or a derivative work, (typographical arrangement of a published edition) <sup>2433</sup> , (a broadcast) <sup>2434</sup>
Entity exercising quotation	
Purpose of quotation	including criticism, review
Condition of quotation	to determine if dealing constitutes fair dealing, the factors to be considered shall include: (a) the purpose and character of the dealing, including whether such dealing is of a

<sup>2431</sup> S 16A(3)(a)(i).

<sup>2432</sup> S 16A(3)(a)(i).

<sup>2433</sup> S 9(4).

<sup>2434</sup> S 15(2).

	commercial nature or for non-profit educational purposes; (b) the nature of the copyright work; (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; (d) the effect of the dealing upon the potential market for or value of the work
Preclusions (not part of quotation)	
Subject to Attribution	title, author (except, in relation to a typographical arrangement, where work is incidentally included in a broadcast) <sup>2435</sup>
Subject to Remuneration	not required ("does not include the right to control")

Provision	s 16A(3)(b)(ii)
Scope of quotation	a direct or indirect sound recording or film
Type(s) of source work(s)	a performance
Entity exercising quotation	
Purpose of quotation	criticism, review
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("does not include the right to control")

Provision	s 13(2)(m)
Scope of quotation	making of quotations
Type(s) of source work(s)	a published literary, musical or artistic work, a film, or a sound recording or a derivative work, including quotations from newspaper articles and periodicals in the form of press summaries
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation is compatible with fair practice  extent of quotations does not exceed that justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("does not include the right to control")

#### 4. Research/Educational Reproduction

Provision	s 13(2)(ff)
Scope of research/educational reproduction	any use

<sup>2435</sup> S 9(4) proviso.

Type(s) of source work(s)	a literary, musical or artistic work, a film, or a sound recording or a derivative work
Entity exercising reproduction	
Purpose of educational reproduction	an examination by way of setting the questions, communicating the questions to the candidates or answering the questions
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	a reprographic copy of a musical work shall not be made for use by an examination candidate in performing the work
Subject to Attribution	
Subject to Remuneration	not required ("does not include the right to control")

Provision	s 13(2)(i)
Scope of research/educational reproduction	any use (e.g. performance, showing or playing)
Type(s) of source work(s)	a literary, musical or artistic work, a film, or a sound recording or a derivative work
Entity exercising reproduction	[inter alia] by such educational, scientific or professional institutions as the Minister may by order prescribe
Purpose of educational reproduction	such use is in the public interest
Condition of reproduction	use is compatible with fair practice and the provisions of any regulations  no profit is derived therefrom  no admission fee is charged for the performance, showing or playing, if any, to the public of the work thus used
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("does not include the right to control")

Provision	s 13(2)(g)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a literary, musical or artistic work, a film, or a sound recording or a derivative work included in a broadcast, (a broadcast) <sup>2436</sup>
Entity exercising reproduction	schools, universities or educational institutions
Purpose of educational reproduction	intended for [use by] such schools, universities or educational institutions,
Condition of reproduction	

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<sup>2436</sup> S 15(2).

Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("does not include the right to control")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 13(2)(f)
Scope of anthologies/compilations limitation/exception	inclusion, in collection of literary or musical works
Type(s) of source work(s)	a literary, musical or artistic work, a film, or a sound recording or a derivative work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	inclusion is made by way of illustration for teaching purposes
Condition of anthologies/compilations limitation/exception	inclusion is compatible with fair practice
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (as indicated in source)
Subject to Remuneration	not required ("does not include the right to control")

#### 6. School Performances

Provision	s 13(2)(f)
Scope of school performance	inclusion, in a performance, showing, or playing to the public,
Type(s) of source work(s)	a literary, musical or artistic work, a film, or a sound recording or a derivative work
Entity exercising school performance	
Purpose of school performance	inclusion is made by way of illustration for teaching purposes
Condition of school performance	inclusion is compatible with fair practice
Preclusions (not part of school performance)	
Subject to Attribution	source, author (as indicated in source)
Subject to Remuneration	not required ("does not include the right to control")

Provision	s 13(2)(k)
Scope of school performance	performance, showing or playing
Type(s) of source work(s)	a literary, musical or artistic work, a film, or a sound recording or a derivative work
Entity exercising school performance	a non-profit making club or institution

Purpose of school performance	performance, showing or playing is for charitable or educational purpose
Condition of school performance	no admission fee is charged in respect of such performance, showing or playing
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("does not include the right to control")

Provision	s 13(2)(i)
Scope of school performance	any use (e.g. performance, showing or playing)
Type(s) of source work(s)	a literary, musical or artistic work, a film, or a sound recording or a derivative work
Entity exercising school performance	[inter alia] by such public libraries and educational, scientific or professional institutions as the Minister may by order prescribe
Purpose of school performance	such use is in the public interest
Condition of school performance	use is compatible with fair practice and the provisions of any regulations  no profit is derived therefrom  no admission fee is charged for the performance, showing or playing, if any, to the public of the work thus used
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("does not include the right to control")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 13(2)(i)
Scope of broadcast/communication/recording	any use [e.g. broadcasting, communication, recording]
Type(s) of source work(s)	a literary, musical or artistic work, a film, or a sound recording or a derivative work
Entity exercising broadcast/communication/recording	[inter alia] by such public libraries and educational, scientific or professional institutions as the Minister may by order prescribe
Purpose of broadcast/communication/recording	such use is in the public interest
Condition of broadcast/communication/recording	use is compatible with fair practice and the provisions of any regulations  no profit is derived therefrom

	no admission fee is charged for the performance, showing or playing, if any, to the public of the work thus used
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("does not include the right to control")

Provision	s 16A(3)(c)
Scope of broadcast/communication/recording	indirect sound recording or film
Type(s) of source work(s)	a performance
Entity exercising broadcast/communication/recording	by, or on behalf of, the body administering an educational institution
Purpose of broadcast/communication/recording	solely for the educational purposes of that institution or of another educational institution
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("does not include the right to control")
Provision	s 16A(3)(a)(ii)
Scope of broadcast/communication/recording	a direct or an indirect sound recording or an indirect film
Type(s) of source work(s)	a performance
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	use in scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("does not include the right to control")
Provision	s 13(2)(f)
Scope of broadcast/communication/recording	inclusion, in a broadcast, sound recording, or film
Type(s) of source work(s)	a literary, musical or artistic work, a film, or a sound recording or a derivative work
Entity exercising broadcast/communication/recording	



Purpose of broadcast/communication/recording	inclusion is made by way of illustration for teaching purposes
Condition of broadcast/communication/recording	inclusion is compatible with fair practice
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (as indicated in source)
Subject to Remuneration	not required ("does not include the right to control")

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	s 31
Nature of compulsory licence for translation for educational purposes	non-exclusive, <sup>2437</sup> non-transferable <sup>2438</sup> compulsory licence, for translation into the national language or other vernacular languages in Malaysia, and publication of such translation in copies in Malaysia <sup>2439</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>2440</sup> no digital dissemination <sup>2441</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration lapsed after Oct 10, 1994
Type(s) of source work(s)	a literary work written in any other language <sup>2442</sup>
Licence applicant/entity	any person
Purpose of licence	purpose of teaching, scholarship or research <sup>2443</sup>
Condition of licence	work has not been previously translated into the national language of Malaysia or other vernacular languages and published by the owner of the right of translation, within 1 year of first publication, or if translation has been so published, all previous editions in that language are out of print <sup>2444</sup>  licence applicant has requested and been denied authorisation by owner of right of translation, or was unable to find owner after due diligence, despite sending request to any

<sup>2437</sup> S 31(2).

<sup>2438</sup> S 31(4).

<sup>2439</sup> S 31(5).

<sup>2440</sup> S 4(1) (defining "publication" to mean the making available of copies to satisfy the reasonable requirements of the public); s 3 (defining "reproduction" to mean "the making of one or more copies of a work in any form or version").

<sup>2441</sup> No reference in s 31 to "communication to the public" (as defined in s 3 to mean "the transmission of a work or performance through wire or wireless means to the public, including the making available of a work or performance to the public in such a way that members of the public may access the work or performance from a place and at a time individually chosen by them").

<sup>2442</sup> S 31(1).

<sup>2443</sup> S 31(3)(h).

<sup>2444</sup> S 31(3)(a).

	<p>designated national or international information centre<sup>2445</sup></p> <p>a further period of 9 months has lapsed from date licence applicant complies with licence requirements<sup>2446</sup></p> <p>no licence shall be granted if, during further period, a translation into the national language of Malaysia or other vernacular languages has been published by or with authorisation of owner<sup>2447</sup></p> <p>if work is composed mainly of illustrations, no licence shall be granted<sup>2448</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>2449</sup></p> <p>opportunity to be heard is given, to owner of right of translation<sup>2450</sup></p> <p>licensee is able to produce and publish a correct translation of the work and possesses the means to pay the royalties payable<sup>2451</sup></p> <p>on all copies of the published translation are printed: the name of author and original title,<sup>2452</sup> a notice in the national language Malaysia or other vernacular languages stating that the copy is available for distribution only in Malaysia,<sup>2453</sup></p> <p>subject to licensee's sale of existing copies, licence terminated if translation right owner has published or authorised the publishing of translated work in the national language or other vernacular languages and with substantially the same content, at a price reasonably related to that normally charged in Malaysia for comparable works<sup>2454</sup></p>
<p>Compulsory licence fee(s)</p>	<p>beneficiary of compulsory licence to pay royalties to owner of right of translation, at a rate</p>

<sup>2445</sup> S 31(3)(b)-(c).

<sup>2446</sup> S 31(3)(g).

<sup>2447</sup> S 31(3)(g).

<sup>2448</sup> S 31(7).

<sup>2449</sup> S 31(3)(e).

<sup>2450</sup> S 31(3)(f).

<sup>2451</sup> S 31(3)(d)(i).

<sup>2452</sup> S 31(3)(d)(ii).

<sup>2453</sup> S 31(5).

<sup>2454</sup> S 31(6).

	to be determined by the Copyright Tribunal in the prescribed manner <sup>2455</sup>
Price of publication	
Distribution conditions	copies of translated work may not be exported, except if they are exported for Malaysian nationals, or of overseas organizations of Malaysian nationals, for purpose of teaching, scholarship or research, where the sending and distribution are without any commercial purpose, and the government of the foreign importing country has agreed to their receipt/distribution <sup>2456</sup>
Grantor of compulsory licence	Copyright Tribunal

#### 9. TPM/RMI Exceptions for Educational Purposes

Provision	s 36A(2)(f)
Scope of TPM/RMI restriction	circumvention of technological measure
Type(s) of source work(s)	a work in which copyright subsists [to which has been applied technological protection measures]
Beneficiary exercising restriction	library, an archive or an educational institution
Purpose of restriction	sole purpose of making an acquisition decision in relation to [the] work
Condition of restriction	

Provision	s 36B(2)(b)
Scope of TPM/RMI restriction	removal or alteration of any electronic rights management information
Type(s) of source work(s)	a work in which copyright subsists [to which has been applied electronic rights management information]
Beneficiary exercising restriction	library, an archive or an educational institution
Purpose of restriction	sole purpose of making an acquisition decision in relation to [the] work
Condition of restriction	

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<sup>2455</sup> S 31(2).

<sup>2456</sup> S 31(4).

## Maldives

### 1. Treaties & Legislation

Treaties:

Berne Convention: not a party

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

The Copyright & Related Rights Act 2010

### 2. Private/Personal Use

Provision	s 12(a)
Scope of private/personal use	private reproduction
Type(s) of source work(s)	a published work, (a performance, sound recording, broadcast) <sup>2457</sup>
Entity exercising private/personal use	a person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture, reproduction of whole or substantial part of book or musical notation, whole or substantial part of a database, computer program <sup>2458</sup> , any work where "reproduction would affect the normal proceedings the work may generate and could prejudice the legitimate interests of the author or other owner of the copyright", feature films, documentary films, dramas, video songs and other audiovisual presentations created for commercial use
Subject to Attribution	
Subject to Remuneration	not required ("without the authorization of the author or owner of copyright")

### 3. Quotations

Provision	s 14
Scope of quotation	reproduction
Type(s) of source work(s)	a short part of a published work, (a performance, sound recording, broadcast) <sup>2459</sup>
Entity exercising quotation	
Purpose of quotation	in the form of quotation

<sup>2457</sup> S 29(d) (applying limitations and exceptions where a work can be used without the authorization of the author or other owner of copyright to related rights).

<sup>2458</sup> S 18 (excepting use of the computer program and for backup/archival purposes).

<sup>2459</sup> S 29(d) (applying limitations and exceptions where a work can be used without the authorization of the author or other owner of copyright to related rights).

Condition of quotation	reproduction is compatible with fair practice reproduction does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author, form of publication (as far as practicable)
Subject to Remuneration	not required ("permitted without authorization of the author or other owner of copyright")

#### 4. Research/Educational Reproduction

Provision	s 15
Scope of research/educational reproduction	reproduction and presentation as a quotation
Type(s) of source work(s)	a published work, (a performance, sound recording, broadcast) <sup>2460</sup>
Entity exercising reproduction	
Purpose of educational reproduction	reproduction for teaching
Condition of reproduction	reproduction is compatible with fair practice
Frequency/copies and limits	a limited portion of [the published work] reproduction does not exceed the extent justified by the purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author, form of publication (as far as practicable)
Subject to Remuneration	not required ("without the authorization of the author or other owner of copyright")

Provision	s 29(c)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a performance, sound recording, broadcast
Entity exercising reproduction	
Purpose of educational reproduction	solely for the purpose of face-face teaching activities
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	performances and phonograms which have been published as teaching or instructional materials
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

Provision	s 29(b)
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<sup>2460</sup> S 29(d) (applying limitations and exceptions where a work can be used without the authorization of the author or other owner of copyright to related rights).

Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a performance, sound recording, broadcast
Entity exercising reproduction	
Purpose of educational reproduction	solely for scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

5. Educational Publications/Anthologies/Compilations/Composite Works

6. School Performances

Provision	s 15
Scope of school performance	reproduction and "presentation" <sup>2461</sup> as a quotation
Type(s) of source work(s)	a published work, (a performance, sound recording, broadcast) <sup>2462</sup>
Entity exercising school performance	
Purpose of school performance	reproduction for teaching
Condition of school performance	reproduction is compatible with fair practice  a limited portion of [the published work]  reproduction does not exceed the extent justified by the purpose
Preclusions (not part of school performance)	
Subject to Attribution	source, author, form of publication (as far as practicable)
Subject to Remuneration	not required ("without the authorization of the author or other owner of copyright")

7. Educational Broadcasts/Communications/Recordings

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

<sup>2461</sup> s 3(a) (referring to "presentation" in the context of "drama, musicals, stage performances, choreography, steps and other presentations and other works for stage productions" as well as "[f]eature films, documentary films, drama, video songs and other video - visual presentations and works"), which seems to be distinct from a separate right of "broadcasting the work" and "publicizing the work through other communicative media".

<sup>2462</sup> S 29(d) (applying limitations and exceptions where a work can be used without the authorization of the author or other owner of copyright to related rights).

## Mali

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 19, 1962 (Paris Act (1971): December 5, 1977)

WIPO Copyright Treaty: April 24, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Bangui Agreement 1977

Legislation:

Law No. 08-024 of July 23, 2008 laying down the Regime of Literary and Artistic Property in the Republic of Mali

### 2. Private/Personal Use

Provision	Arts. 24(a)(1)
Scope of private/personal use	communications
Type(s) of source work(s)	a work lawfully made available to the public
Entity exercising private/personal use	
Purpose of private/personal use	private communications, carried out exclusively within the family circle
Condition of private/personal use	does not give rise to any form of income
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")
Provision	Arts. 24(b)
Scope of private/personal use	reproductions, translations, and adaptations
Type(s) of source work(s)	a work lawfully made available to the public, (phonogram, videogram, performance, broadcast) <sup>2463</sup>
Entity exercising private/personal use	
Purpose of private/personal use	strictly personal and private use of the person making them
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	architectural works in the form of buildings or similar constructions, repographic reproduction of works of limited fine arts, musical work and exercise manuals in written form, publications that are only used once, all or substantial parts of databases, computer programs, <sup>2464</sup> reproduction of a work that would prejudice the normal exploitation of the work or would

<sup>2463</sup> Art. 136(A).

<sup>2464</sup> Art. 28 (excepting using computer software and for archival purposes).

	unjustifiably prejudice the legitimate interests of the author
Subject to Attribution	
Subject to Remuneration	remuneration for private copies to be collected by CMO and distributed to authors, performers, phonogram/videogram producers <sup>2465</sup>

### 3. Quotations

Provision	Art. 27(a)
Scope of quotation	analyzes and short quotations, in original or in translation
Type(s) of source work(s)	a work already lawfully made available to the public, including article and periodicals in the form of press reviews
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	compatible with fair practice  to the extent justified by the scientific, critical, educational or informational purposes
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("are permitted")

Provision	Art. 136(D)
Scope of quotation	citation, in the form of short fragments,
Type(s) of source work(s)	an interpretation, a phonogram of a videogram or a broadcast
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	compatible with fair practice  to the extent justified by informational purposes
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

### 4. Research/Educational Reproduction

Provision	Art. 31.b
Scope of research/educational reproduction	reproduce by reprographic means
Type(s) of source work(s)	isolated articles lawfully published in a newspaper or periodical, short extracts from a lawfully published work or a short work lawfully published
Entity exercising reproduction	educational institutions whose activities do not serve direct or indirect commercial profit

<sup>2465</sup> Arts. 131-132.



Purpose of educational reproduction	teaching or examinations
Condition of reproduction	to the extent justified by the purpose
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if available)
Subject to Remuneration	not required ("without payment of remuneration")
Provision	Art. 136(C)
Scope of research/educational reproduction	use
Type(s) of source work(s)	a phonogram, videogram, performance, broadcast
Entity exercising reproduction	
Purpose of educational reproduction	teaching or scientific research purposes
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if available)
Subject to Remuneration	not required ("without payment of remuneration")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 31.a
Scope of anthologies/compilations limitation/exception	use in publications
Type(s) of source work(s)	a lawfully published work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	as an illustration for teaching purposes
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if available)
Subject to Remuneration	not required ("without payment of remuneration")

#### 6. School Performances

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 24(a)(2)
Scope of broadcast/communication/recording	communications
Type(s) of source work(s)	a work lawfully made available to the public

Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	strictly educational, or religious school
Condition of broadcast/communication/recording	communications made free
Frequency/limits of broadcast/communication/recording	in rooms reserved for that purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")

Provision	Art. 31.a
Scope of broadcast/communication/recording	use in broadcasts or sound or visual recordings
Type(s) of source work(s)	a lawfully published work
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	as an illustration for teaching purposes
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if available)
Subject to Remuneration	not required ("without payment of remuneration")

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 34(a)
Nature of compulsory licence for translation for educational purposes	licence, for translation, and publication of such translation in print or similar form in Mali
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>2466</sup> no digital dissemination <sup>2467</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	foreign works already lawfully made available to the public

<sup>2466</sup> Art. 1er.30 (defining "reproduction" as "la réalisation d'un exemplaire ou de plusieurs exemplaires d'une fixation. Tout enregistrement sonore ou visuel est considéré comme une reproduction au sens de la présente loi. Est également assimilé à la reproduction le stockage d'une oeuvre, d'une expression du folklore, d'une interprétation ou exécution d'un phonogramme ou d'un vidéogramme, sous forme numérique sur un support électronique").

<sup>2467</sup> No reference to the right of "communication to the public" as defined in Art. 1er.25 ("«la communication public», la transmission par fil ou sans fil de l'image, du son, ou de l'image et du son, d'une oeuvre de telle manière que ceux-ci puissent être perçus par des personnes étrangères au cercle d'une famille et de son entourage le plus immédiat se trouvant en un ou plusieurs lieux assez éloignés du lieu d'origine de la transmission pour que, sans cette transmission, l'image ou le son ne puissent pas être perçus en ce ou ces lieux, peu important à cet égard que ces personnes puissent percevoir l'image ou le son dans le même lieu et au m").

Purpose of licence	
Condition of licence	any individual or legal resident in Mali
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	competent authority

Provision	Art. 34(b)
Nature of compulsory licence for reproduction for educational purposes	licence, for reproduction and publication of such translation in print or similar form
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>2468</sup> no digital dissemination <sup>2469</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	foreign works already lawfully made available to the public
Purpose of licence	
Condition of licence	any individual or legal resident in Mali
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	competent authority

## 9. TPM/RMI Exceptions for Educational Purposes

<sup>2468</sup> Art. 1er.30 (defining "reproduction" as "la réalisation d'un exemplaire ou de plusieurs exemplaires d'une fixation. Tout enregistrement sonore ou visuel est considéré comme une reproduction au sens de la présente loi. Est également assimilé à la reproduction le stockage d'une oeuvre, d'une expression du folklore, d'une interprétation ou exécution d'un phonogramme ou d'un vidéogramme, sous forme numérique sur un support électronique").

<sup>2469</sup> No reference to the right of "communication to the public" as defined in Art. 1er.25 ("«la communication public», la transmission par fil ou sans fil de l'image, du son, ou de l'image et du son, d'une oeuvre de telle manière que ceux-ci puissent être perçus par des personnes étrangères au cercle d'une famille et de son entourage le plus immédiat se trouvant en un ou plusieurs lieux assez éloignés du lieu d'origine de la transmission pour que, sans cette transmission, l'image ou le son ne puissent pas être perçus en ce ou ces lieux, peu important à cet égard que ces personnes puissent percevoir l'image ou le son dans le même lieu et au m").

## Malta

### 1. Treaties & Legislation

Treaties:

Berne Convention: September 21, 1964 (Paris Act (1971): December 12, 1977)

WIPO Copyright Treaty: March 14, 2010

WIPO Performances and Phonograms Treaty: March 14, 2010

Legislation:

Copyright Act of 2000 (Chapter 415) as amended up to Act No. VIII of 2011

### 2. Private/Personal Use

Provision	Art. 9(1)(c)
Scope of private/personal use	reproductions on any medium
Type(s) of source work(s)	an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a performance, sound recording, phonogram, broadcast) <sup>2470</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	private use
Condition of private/personal use	ends that are neither directly nor indirectly commercial
Frequency/copies and limits	
Preclusions (not part of private/personal use)	“applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder” <sup>2471</sup>
Subject to Attribution	
Subject to Remuneration	fair compensation, which takes account of the application or non-application or technological measures to the work or subject-matter concerned, for rightholders

Provision	Art. 9(1)(b)
Scope of private/personal use	reproductions on paper or any medium, effected by the use of any kind of photographic technique or by some other process having similar effects
Type(s) of source work(s)	an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a performance, sound recording, phonogram, broadcast), <sup>2472</sup> excluding sheet music

<sup>2470</sup> Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights).

<sup>2471</sup> Art. 9(3).

<sup>2472</sup> Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights).

Entity exercising private/personal use	[includes a natural person]
Purpose of private/personal use	
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	"applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder" <sup>2473</sup>
Subject to Attribution	
Subject to Remuneration	fair compensation due to rightholders

### 3. Quotations

Provision	Art. 9(1)(k)
Scope of quotation	reproduction, translation, distribution or communication to the public, of quotations
Type(s) of source work(s)	an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a performance, sound recording, phonogram, broadcast) <sup>2474</sup>
Entity exercising quotation	
Purpose of quotation	such as criticism or review
Condition of quotation	relate to a work or other subject-matter which has already been lawfully made available to the public  use is in accordance with fair practice, and to the extent required by the specific purposes
Preclusions (not part of quotation)	"applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder" <sup>2475</sup>
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("shall not include the right to authorise or prohibit")

### 4. Research/Educational Reproduction

Provision	Art. 9(1)(d)
Scope of research/educational reproduction	specific acts of reproduction
Type(s) of source work(s)	an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a

<sup>2473</sup> Art. 9(3).

<sup>2474</sup> Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights).

<sup>2475</sup> Art. 9(3).

	performance, sound recording, phonogram, broadcast) <sup>2476</sup>
Entity exercising reproduction	[inter alia] educational establishments
Purpose of educational reproduction	
Condition of reproduction	not for direct or indirect economic or commercial advantage
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	“applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder” <sup>2477</sup>
Subject to Attribution	
Subject to Remuneration	not required ("shall not include the right to authorise or prohibit")

Provision	Art. 9(1)(b)
Scope of research/educational reproduction	reproductions on paper or any medium, effected by the use of any kind of photographic technique or by some other process having similar effects
Type(s) of source work(s)	an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a performance, sound recording, phonogram, broadcast), <sup>2478</sup> excluding sheet music
Entity exercising reproduction	
Purpose of educational reproduction	
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	“applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder” <sup>2479</sup>
Subject to Attribution	
Subject to Remuneration	fair compensation due to rightholders

Provision	Art. 9(1)(h)
Scope of research/educational reproduction	reproduction, translation, distribution
Type(s) of source work(s)	an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a performance, sound recording, phonogram, broadcast) <sup>2480</sup>

<sup>2476</sup> Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights).

<sup>2477</sup> Art. 9(3).

<sup>2478</sup> Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights).

<sup>2479</sup> Art. 9(3).

<sup>2480</sup> Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights).

Entity exercising reproduction	
Purpose of educational reproduction	sole purpose of illustration for teaching or scientific research
Condition of reproduction	to the extent justified by the noncommercial purpose to be achieved
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	"applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder" <sup>2481</sup>
Subject to Attribution	source, author (unless impossible)
Subject to Remuneration	not required ("shall not include the right to authorise or prohibit")

5. Educational Publications/Anthologies/Compilations/Composite Works

6. School Performances

Provision	Art. 9(1)(g)
Scope of school performance	performing, playing or showing
Type(s) of source work(s)	an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a performance, sound recording, phonogram, broadcast) <sup>2482</sup>
Entity exercising school performance	any club
Purpose of school performance	act by club whose aim is not profit making no admission fee is charged
Condition of school performance	"applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder" <sup>2483</sup>
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not include the right to authorise or prohibit")

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 9(1)(h)
Scope of broadcast/communication/recording	communication to the public

<sup>2481</sup> Art. 9(3).

<sup>2482</sup> Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights).

<sup>2483</sup> Art. 9(3).

Type(s) of source work(s)	an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a performance, sound recording, phonogram, broadcast) <sup>2484</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	sole purpose of illustration for teaching or scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	to the extent justified by the noncommercial purpose to be achieved
Preclusions (not part of broadcast/communication/recording)	"applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder" <sup>2485</sup>
Subject to Attribution	source, author (unless infeasible)
Subject to Remuneration	not required ("shall not include the right to authorise or prohibit")
Provision	Art. 9(1)(v)
Scope of broadcast/communication/recording	communication to the public
Type(s) of source work(s)	an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work, (a performance, sound recording, phonogram, broadcast) <sup>2486</sup>
Entity exercising broadcast/communication/recording	[inter alia] educational establishments <sup>2487</sup>
Purpose of broadcast/communication/recording	research or private study, to individual members of the public by dedicated terminals on the premises of establishments
Condition of broadcast/communication/recording	works/subject-matter not subject to purchase or licensing terms, which are contained in their collections
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	"applied in such particular cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder" <sup>2488</sup>
Subject to Attribution	
Subject to Remuneration	not required ("shall not include the right to authorise or prohibit")

<sup>2484</sup> Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights).

<sup>2485</sup> Art. 9(3).

<sup>2486</sup> Art. 21 (applying the limitations and exceptions in Art. 9 mutatis mutandis to neighbouring rights).

<sup>2487</sup> Art. 9(1)(d). Art. 9(1)(v) complements Art. 9(1)(d) in giving such establishments the exception or limitation to communicate works in their collection for educational purposes.

<sup>2488</sup> Art. 9(3).



8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 42(2)(a)
Scope of TPM/RMI restriction	require rightholder who used effective technological measures in respect of copyright work to make available means to ensure for the "beneficiaries" the benefit of the exception/limitation
Type(s) of source work(s)	protected work/subject-matter
Beneficiary exercising restriction	users who use work/subject-matter for, <i>inter alia</i> , private use (Art. 9(1)(c)), educational establishments (Art. 9(1)(d)), teaching or scientific research (Art. 9(1)(h))
Purpose of restriction	to the extent necessary to benefit from exception/limitation
Condition of restriction	<p>beneficiary to have legal access to protected work/subject-matter</p> <p>no voluntary measure taken by the rightholder or exclusive licensee or agreement between the rightholder and the other party concerned, the purpose of which is to enable the beneficiary (or persons of a class to which the beneficiary belongs) to benefit from the exceptions specified in the above paragraph</p> <p>exception not applicable to copyright works made available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them.</p>

## Marshall Islands

### 1. Treaties & Legislation

Treaties:

Berne Convention: not a party

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Unauthorized Copies of Recorded Materials Act, 1991 (P.L. 1991-132, §1, 20 MIRC Ch. 2.)<sup>2489</sup>

### 2. Private/Personal Use

### 3. Quotations

### 4. Research/Educational Reproduction

### 5. Educational Publications/Anthologies/Compilations/Composite Works

### 6. School Performances

### 7. Educational Broadcasts/Communications/Recordings

### 8. Compulsory Licences for Educational Reproductions and Translations

### 9. TPM/RMI Exceptions for Educational Purposes

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<sup>2489</sup> No copyright legislation for the Marshall Islands has been found in the Marshall Islands Revised Code. When the Marshall Islands was under American administration, the Trust Territory Code provided that American common law, as expressed in the American law Institute's Restatements, would be the common law of the Marshall Islands as trust territory. As this provision no longer appears in the Marshall Islands Revised Code, the view is that American common law has been repealed, including American common law principles on copyright protection. See Jean G. Zorn, *The Republic of the Marshall Islands*, SOUTH PACIFIC ISLANDS LEGAL SYSTEM 105 (Michael A. Ntummy ed., 1993).

## Mauritania

### 1. Treaties & Legislation

Treaties:

Berne Convention: February 6, 1973 (Paris Act (1971): September 21, 1976)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Bangui Agreement 1977

Legislation:

Law of 11 March 1957 on literary and artistic property

### 2. Private/Personal Use

Provision	Art. 41.1
Scope of private/personal use	private performance
Type(s) of source work(s)	a disclosed work
Entity exercising private/personal use	
Purpose of private/personal use	carried out exclusively within the family circle
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")

Provision	Art. 41.2
Scope of private/personal use	copies or reproductions
Type(s) of source work(s)	a disclosed work
Entity exercising private/personal use	
Purpose of private/personal use	strictly reserved for the private use of the copyist
Condition of private/personal use	not intended for collective use, with the exception of copies of works of art to be used for the same purpose for which the original work was created
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prohibit")

### 3. Quotations

Provision	Art. 41.3
Scope of quotation	analyses and short quotations
Type(s) of source work(s)	a disclosed work
Entity exercising quotation	

Purpose of quotation	justified by the critical, polemic, educational, scientific or informatory nature of the work in which they are incorporated
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("author may not prohibit")

4. Research/Educational Reproduction
5. Educational Publications/Anthologies/Compilations/Composite Works
6. School Performances
7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Mauritius

### 1. Treaties & Legislation

Treaties:

Berne Convention: May 10, 1989 (Paris Act (1971): May 10, 1989)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act 2014

### 2. Private/Personal Use

Provision	s 16
Scope of private/personal use	private reproduction
Type(s) of source work(s)	a legally obtained published work, (a broadcast, performance/phonogram, sound recording) <sup>2490</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	for his own personal use
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture in the form of building or other construction, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a digital database, computer program <sup>2491</sup>
Subject to Attribution	
Subject to Remuneration	equitable remuneration shall be paid for private/personal use of work, performance, phonogram, videogram, publisher's edition <sup>2492</sup> to the author or copyright owner or to Rights Management Society <sup>2493</sup>

### 3. Quotations

Provision	s 18
Scope of quotation	quotation
Type(s) of source work(s)	a work, (a broadcast, performance/phonogram, sound recording) <sup>2494</sup> , that has lawfully been made available to the public

<sup>2490</sup> S 36(d) (applying limitations and exceptions for copyright works to broadcasts, performances/phonograms, and sound recordings).

<sup>2491</sup> S 22 (excepting use of the computer program and for backup/archival purposes).

<sup>2492</sup> S 45(1)(a)(vi), (viii)(G), (ix)(E), (x)(B), (xi) (spelling out the rights of private/personal use of work/performance/phonogram/videogram/publisher's edition for which the Rights Management Society will collectively management).

<sup>2493</sup> S 43 (establishing the Rights Management Society, to collectively management rights of authors and owners of copyright and related rights).

<sup>2494</sup> S 36(d) (applying limitations and exceptions for copyright works to broadcasts, performances/phonograms, and sound recordings).

Entity exercising quotation	
Purpose of quotation	for caricature, parody or pastiche
Condition of quotation	quotation is compatible with fair practice,  quotation does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without authorisation of the author or other owner of copyright")

#### 4. Research/Educational Reproduction

Provision	s 19(1)(a)
Scope of research/educational reproduction	utilization
Type(s) of source work(s)	a work that has lawfully been made available to the public, (a broadcast, performance/phonogram, sound recording) <sup>2495</sup>
Entity exercising reproduction	
Purpose of educational reproduction	for scientific research purposes, [or for teaching]
Condition of reproduction	utilization is compatible with fair practice
Frequency/copies and limits	utilization does not exceed the extent justified by the purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if practicable) <sup>2496</sup>
Subject to Remuneration	not required ("without the authorisation of the author or other owner of copyright")

Provision	s 19(1)(b)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	published articles, other short works or short extracts of works,
Entity exercising reproduction	
Purpose of educational reproduction	face-to-face teaching in educational institutions
Condition of reproduction	activities do not serve direct or indirect commercial gain  no collective licence available by collective administration organisation of which educational institution is or should be aware
Frequency/copies and limits	reproduction of any particular work is an isolated one; if repeated, each occurrence on separate and unrelated occasions

<sup>2495</sup> S 36(b), (c) (except for performances and phonograms which have been published as teaching or instructional materials).

<sup>2496</sup> S 19(2).

	no more than a single copy for each pupil or student and the teacher is made
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if practicable) <sup>2497</sup>
Subject to Remuneration	not required ("without the authorisation of the author or other owner of copyright")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 19(1)(a)
Scope of anthologies/compilations limitation/exception	by way of illustration, in publications
Type(s) of source work(s)	a work that has lawfully been made available to the public, (a broadcast, performance/phonogram, sound recording) <sup>2498</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for scientific research purposes, or for teaching
Condition of anthologies/compilations limitation/exception	utilization is compatible with fair practice
Frequency/copies and limits	utilization does not exceed the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if practicable) <sup>2499</sup>
Subject to Remuneration	not required ("without the authorisation of the author or other owner of copyright")

#### 6. School Performances

Provision	s 19(1)(a)
Scope of school performance	utilization
Type(s) of source work(s)	a work that has lawfully been made available to the public, (a broadcast, performance/phonogram, sound recording) <sup>2500</sup>
Entity exercising school performance	
Purpose of school performance	for scientific research purposes, [or for teaching]
Condition of school performance	utilization is compatible with fair practice  utilization does not exceed the extent justified by the purpose

<sup>2497</sup> S 19(2).

<sup>2498</sup> S 36(b), (c) (except for performances and phonograms which have been published as teaching or instructional materials).

<sup>2499</sup> S 19(2).

<sup>2500</sup> S 36(b), (c) (except for performances and phonograms which have been published as teaching or instructional materials).

Preclusions (not part of school performance)	
Subject to Attribution	source, author (if practicable) <sup>2501</sup>
Subject to Remuneration	not required ("without the authorisation of the author or other owner of copyright")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 19(1)(a)
Scope of broadcast/communication/recording	making available of such works in computer networks, where access to the works is only available to enrolled pupils or students and their teachers, <sup>2502</sup> or by way of illustration, in broadcasting or sound or visual recordings
Type(s) of source work(s)	a work that has lawfully been made available to the public, (a broadcast, performance/phonogram, sound recording) <sup>2503</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for scientific research purposes, or for teaching
Condition of broadcast/communication/recording	utilization is compatible with fair practice
Frequency/limits of broadcast/communication/recording	utilization does not exceed the extent justified by the purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if practicable) <sup>2504</sup>
Subject to Remuneration	not required ("without the authorisation of the author or other owner of copyright")

#### 8. Compulsory Licences for Educational Reproductions and Translations

#### 9. TPM/RMI Exceptions for Educational Purposes

Provision	s 37(3)
Scope of TPM/RMI restriction	require rightholder who used technological protection measures in respect of his work to lift technological protection measures to ensure for the "beneficiaries" the benefit of the exception /limitation
Type(s) of source work(s)	work/subject-matter (but not applicable to works/subject-matter available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them <sup>2505</sup> )

<sup>2501</sup> S 19(2).

<sup>2502</sup> S 19(3).

<sup>2503</sup> S 36(b), (c) (except for performances and phonograms which have been published as teaching or instructional materials).

<sup>2504</sup> S 19(2).

<sup>2505</sup> S 37(4), taken from EU Copyright Directive 2001/29, Art. 6(4).



Beneficiary exercising restriction	users who reproduce work/subject-matter for, <i>inter alia</i> , private/personal use (s 16), for quotations (s 18), for teaching/scientific purposes (s 19)
Purpose of restriction	to the extent necessary for the beneficiary to fully benefit from the limitation/exception
Condition of restriction	

## Mexico

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 11, 1967 (Paris Act (1971): December 17, 1974)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

Federal Law on Copyright (as amended up to July 14, 2014)<sup>2506</sup>

### 2. Private/Personal Use

Provision	Arts. 148(IV), 151(IV)
Scope of private/personal use	reproduction
Type(s) of source work(s)	literary and artistic works that have already been disclosed, (performances, phonograms, videograms, broadcsts) <sup>2507</sup>
Entity exercising private/personal use	no legal entity except where it is an educational or research institution, or is not devoted to trading activities
Purpose of private/personal use	personal and private use of person making reproduction
Condition of private/personal use	without gainful intent  no alteration is made to work
Frequency/copies and limits	one reproduction, and in a single copy
Preclusions (not part of private/personal use)	normal exploitation of the work is not adversely affected
Subject to Attribution	source
Subject to Remuneration	not required ("without remuneration"/"shall not constitute a violation of the [neighbouring rights]")

### 3. Quotations

Provision	Arts. 148(I), 151(IV)
Scope of quotation	quotation of texts
Type(s) of source work(s)	literary and artistic works that have already been disclosed, (performances, phonograms, videograms, broadcsts) <sup>2508</sup>
Entity exercising quotation	
Purpose of quotation	

<sup>2506</sup> English translation reviewed as of 2013.

<sup>2507</sup> Art. 151(IV).

<sup>2508</sup> Art. 151(IV).

Condition of quotation	amount quoted may not be considered a substantial, simulated reproduction of the contents of the work  no alteration is made to work
Preclusions (not part of quotation)	normal exploitation of the work is not adversely affected
Subject to Attribution	source
Subject to Remuneration	not required ("without remuneration"/"shall not constitute a violation of the [neighbouring rights]")

#### 4. Research/Educational Reproduction

Provision	Arts. 148(III), 151(IV)
Scope of research/educational reproduction	reproduction of parts
Type(s) of source work(s)	literary and artistic works that have already been disclosed, (performances, phonograms, videograms, broadcasts) <sup>2509</sup>
Entity exercising reproduction	
Purpose of educational reproduction	scientific, literary or artistic criticism and research
Condition of reproduction	no alteration is made to work
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	normal exploitation of the work is not adversely affected
Subject to Attribution	source
Subject to Remuneration	not required ("without remuneration"/"shall not constitute a violation of the [neighbouring rights]")
Provision	Art. 151(III)
Scope of research/educational reproduction	use
Type(s) of source work(s)	performances, phonograms, videograms or broadcasts
Entity exercising reproduction	
Purpose of educational reproduction	for educational or scientific research purposes
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required"shall not constitute a violation of the [neighbouring rights]")

<sup>2509</sup> Art. 151(IV).

5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances

Provision	Art. 151(III)
Scope of school performance	use
Type(s) of source work(s)	performances, phonograms, videograms or broadcasts
Entity exercising school performance	
Purpose of school performance	for educational or scientific research purposes
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required"shall not constitute a violation of the [neighbouring rights]"

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 151(III)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	performances, phonograms, videograms or broadcasts
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for educational or scientific research purposes
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required"shall not constitute a violation of the [neighbouring rights]"

8. Compulsory Licences for Educational Reproductions and Translations

Provision	Arts. 147, 151(IV)
Nature of compulsory licence for translation for educational purposes	compulsory licence, for translation
Scope of compulsory licence for digital copying and dissemination	probably digital reproduction probably digital publication <sup>2510</sup>

<sup>2510</sup> The term "publication" is not directly defined in the Copyright Act of 2000, though references were made to it in Art. 2(2) (explaining that a work or sound recording is "published" if "copies thereof have been made available in a reasonable quantity for sale, rental, lending or in any other manner sufficient to render the work accessible to the public"); Art. 2(1) (defining "reproduction" as "the making of one or more copies in any material form of a literary, musical or artistic work, audiovisual work or sound recording and includes storing such work in any medium by electronic

	no digital dissemination <sup>2511</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration lapsed after Oct 10, 1994
Type(s) of source work(s)	literary or artistic works, (performances, phonograms, videograms, broadcasts) <sup>2512</sup>
Purpose of licence	in the public interest where they are necessary for the advancement of science and national culture and education
Condition of licence	where it is not possible to obtain the consent of owner of corresponding economic rights  licence either ex officio or at the request of a party
Compulsory licence fee(s)	payment of compensatory remuneration
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Federal Executive, through Secretariat of Public Education

Provision	Arts. 147, 151(IV)
Nature of compulsory licence for reproduction for educational purposes	compulsory licence, for publication
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>2513</sup> no digital dissemination <sup>2514</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration lapsed after Oct 10, 1994
Type(s) of source work(s)	literary or artistic works, (performances, phonograms, videograms, broadcasts) <sup>2515</sup>
Purpose of licence	in the public interest where they are necessary for the advancement of science and national culture and education
Condition of licence	where it is not possible to obtain the consent of owner of corresponding economic rights  licence either ex officio or at the request of a party
Compulsory licence fee(s)	payment of compensatory remuneration

means"); cf. Art. 2(1) (defining "distribution" as "the making available to the public by sale or other transfer of ownership").

<sup>2511</sup> No references made to "communication to the public" in Art. 147. See Art. 2(1) (defining "communication to the public" as "the transmission of a work or performance or sound recording by wire or wireless means to the public and for the purpose of article 7 includes the making available to the public of the work in such a way that members of the public may access the work from a place and at a time individually chosen by them:").

<sup>2512</sup> Art. 151(IV).

<sup>2513</sup> The term "publication" is not directly defined in the Copyright Act of 2000, though references were made to it in Art. 2(2) (explaining that a work or sound recording is "published" if "copies thereof have been made available in a reasonable quantity for sale, rental, lending or in any other manner sufficient to render the work accessible to the public"); Art. 2(1) (defining "reproduction" as "the making of one or more copies in any material form of a literary, musical or artistic work, audiovisual work or sound recording and includes storing such work in any medium by electronic means"); cf. Art. 2(1) (defining "distribution" as "the making available to the public by sale or other transfer of ownership").

<sup>2514</sup> No references made to "communication to the public" in Art. 147. See Art. 2(1) (defining "communication to the public" as "the transmission of a work or performance or sound recording by wire or wireless means to the public and for the purpose of article 7 includes the making available to the public of the work in such a way that members of the public may access the work from a place and at a time individually chosen by them:").

<sup>2515</sup> Art. 151(IV).

Price of publication	
Distribution conditions	
Grantor of compulsory licence	Federal Executive, through Secretariat of Public Education

9. TPM/RMI Exceptions for Educational Purposes

## Monaco

### 1. Treaties & Legislation

Treaties:

Berne Convention: October 7, 2003 (Paris Act (1971): November 23, 1974)

WIPO Copyright Treaty: signed January 14, 1997

WIPO Performances and Phonograms Treaty: signed January 14, 1997

Legislation:

Law No. 491 of 24 November 1948 on the Protection of Literary and Artistic Property (as amended up to Law No. 1.313 of June 29, 2006, on Legal Deposit)

### 2. Private/Personal Use

### 3. Quotations

### 4. Research/Educational Reproduction

### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 16
Scope of anthologies/compilations limitation/exception	publication of borrowings
Type(s) of source work(s)	literary or artistic works
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	publications have a scientific, academic character or are chrestomathies
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("It is permitted")

### 6. School Performances

### 7. Educational Broadcasts/Communications/Recordings

### 8. Compulsory Licences for Educational Reproductions and Translations

### 9. TPM/RMI Exceptions for Educational Purposes

## Mongolia

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 12, 1998 (Paris Act (1971): March 12, 1998)

WIPO Copyright Treaty: October 25, 2002

WIPO Performances and Phonograms Treaty: October 25, 2002

Legislation:

Law of Mongolia on Copyright and Related Rights (as last amended on January 19, 2006)

### 2. Private/Personal Use

Provision	Art. 24.1.8
Scope of private/personal use	reproduction
Type(s) of source work(s)	a work
Entity exercising private/personal use	a natural person
Purpose of private/personal use	for private use
Condition of private/personal use	circumstances of use to be considered: to have a non-profit purpose, the extent of use and importance of the used parts, and value of the work and effect of the used part on the market <sup>2516</sup> [similar to fair use]
Frequency/copies and limits	
Preclusions (not part of private/personal use)	"works were used without contradicting the normal exploitation of published works and without affecting the legal interests of the right holders" <sup>2517</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("shall not be deemed as copyright infringement")

### 3. Quotations

Provision	Art. 24.1.2
Scope of quotation	quote, and to use parts
Type(s) of source work(s)	published works
Entity exercising quotation	
Purpose of quotation	for research works, criticisms and information
Condition of quotation	circumstances of use to be considered: to have a non-profit purpose, the extent of use and importance of the used parts, and value of the work and effect of the used part on the market <sup>2518</sup> [similar to fair use]

<sup>2516</sup> Art. 24.2.

<sup>2517</sup> Art. 24.1.

<sup>2518</sup> Art. 24.2.



Preclusions (not part of quotation)	“works were used without contradicting the normal exploitation of published works and without affecting the legal interests of the right holders” <sup>2519</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("shall not be deemed as copyright infringement")

4. Research/Educational Reproduction
5. Educational Publications/Anthologies/Compilations/Composite Works
6. School Performances
7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

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<sup>2519</sup> Art. 24.1.

## Montenegro

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 3, 2006 (Paris Act (1971): June 3, 2006)

WIPO Copyright Treaty: June 3, 2006

WIPO Performances and Phonograms Treaty: June 3, 2006

Legislation:

Law No. 07-1/11-1/15 of July 12, 2011, on Copyright and Related Rights (promulgated by Decree No. 01-933/2 of July 25, 2011)

Law on Amendments to the Law on Copyright and Related Rights (Official Gazette of Montenegro, No. 53/2016)

### 2. Private/Personal Use

Provision	Art. 52.1(1)
Scope of private/personal use	reproduction
Type(s) of source work(s)	a disclosed work, (a performance, <sup>2520</sup> phonogram, <sup>2521</sup> film <sup>2522</sup> and published work <sup>2523</sup> )
Entity exercising private/personal use	a natural person
Purpose of private/personal use	
Condition of private/personal use	on paper or other similar medium: by the use of an appropriate photographic technique or by other process producing similar effects  on other medium: if the reproduction is done for private use, if the copies are not available to the public and if the reproduction is not done for direct or indirect economic advantage
Frequency/copies and limits	
Preclusions (not part of private/personal use)	entire books, sheet music, electronic databases, computer programs, <sup>2524</sup> as well as to the construction of architectural objects according to the design and on the basis of the copies unlawfully made or unlawfully made available to the public  any work where “reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the owner of copyright”
Subject to Attribution	

<sup>2520</sup> Art. 122.

<sup>2521</sup> Art. 129.

<sup>2522</sup> Art. 133.

<sup>2523</sup> Art. 138.

<sup>2524</sup> Art. 52 para. 2.

Subject to Remuneration	photocopy, sound or visual fixation: remuneration payable by manufacturer/importer <sup>2525</sup> on first sale/importation of new appliances for sound/visual fixation and blank audio/video fixation media, and new appliances for photocopying and appliances with other technical reproduction procedures, <sup>2526</sup> paid to a mandatory collective management organization, <sup>2527</sup> for distribution among author of work, (performer, phonogram producer, film producer and publisher) <sup>2528</sup>
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Provision	Art. 58(1), (3)
Scope of private/personal use	adapt
Type(s) of source work(s)	a disclosed work
Entity exercising private/personal use	
Purpose of private/personal use	
Condition of private/personal use	adaptation is of private or other internal nature, not intended for or available to the public, or  adaptation is indispensable, according to purpose and use of the work
Frequency/copies and limits	
Preclusions (not part of private/personal use)	permitted "provided they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author." <sup>2529</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without payment of a remuneration")

Provision	Art. 60
Scope of private/personal use	use
Type(s) of source work(s)	copyright works contained in collections of archives and libraries, museums and educational or scientific establishments, through dedicated terminals on their premises
Entity exercising private/personal use	a natural person
Purpose of private/personal use	research or personal study
Condition of private/personal use	use of such works is not subject to purchase or licensing terms
Frequency/copies and limits	
Preclusions (not part of private/personal use)	permitted "provided they do not conflict with a normal exploitation of the work and do not

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<sup>2525</sup> Art. 37.

<sup>2526</sup> Art. 36.

<sup>2527</sup> Art. 155.

<sup>2528</sup> Arts. 122, 129, 133, 138.

<sup>2529</sup> Art. 45 para. 1.

	unreasonably prejudice the legitimate interests of the author." <sup>2530</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without payment of a remuneration")

### 3. Quotations

Provision	Art. 53
Scope of quotation	quotations, in another main work
Type(s) of source work(s)	a disclosed work
Entity exercising quotation	
Purpose of quotation	quotation is used for the purpose of criticism, recognition, or reference
Condition of quotation	quotation is in accordance with fair practice  quotation is used to extent required by the purpose
Preclusions (not part of quotation)	permitted "provided they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author." <sup>2531</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without payment of a remuneration")

Provision	Art. 58(2)
Scope of quotation	adapt
Type(s) of source work(s)	a disclosed work
Entity exercising quotation	
Purpose of quotation	work has been adapted into parody, cartoon, or pastiche
Condition of quotation	adapted work does not cause confusion as to the source of the work
Preclusions (not part of quotation)	permitted "provided they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author." <sup>2532</sup>
Subject to Attribution	
Subject to Remuneration	not required

### 4. Research/Educational Reproduction

Provision	Art. 52.1(2)
Scope of research/educational reproduction	reproduction, on any medium

<sup>2530</sup> Art. 45 para. 1.

<sup>2531</sup> Art. 45 para. 1.

<sup>2532</sup> Art. 45 para. 1.

Type(s) of source work(s)	a disclosed work, (a performance, <sup>2533</sup> phonogram, <sup>2534</sup> film <sup>2535</sup> and published work <sup>2536</sup> )
Entity exercising reproduction	a public archive, library, museum and educational or scientific establishment
Purpose of educational reproduction	
Condition of reproduction	reproduction is done from the copy owned by that legal entity for internal use  reproduction is not done for direct or indirect economic advantage
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	permitted "provided they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author." <sup>2537</sup>
Subject to Attribution	
Subject to Remuneration	photocopy, sound or visual fixation: remuneration payable by manufacturer/importer <sup>2538</sup> on first sale/importation of new appliances for sound/visual fixation and blank audio/video fixation media, and new appliances for photocopying and appliances with other technical reproduction procedures, <sup>2539</sup> paid to a mandatory collective management organization, <sup>2540</sup> for distribution among author of work, (performer, phonogram producer, film producer and publisher) <sup>2541</sup>

##### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 46(1)
Scope of anthologies/compilations limitation/exception	use, in readers and textbooks that comprise works of several authors
Type(s) of source work(s)	parts of disclosed copyright works
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	solely as illustrations intended for teaching according to a public curriculum or for scientific research
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	

<sup>2533</sup> Art. 122.

<sup>2534</sup> Art. 129.

<sup>2535</sup> Art. 133.

<sup>2536</sup> Art. 138.

<sup>2537</sup> Art. 45 para. 1.

<sup>2538</sup> Art. 37.

<sup>2539</sup> Art. 36.

<sup>2540</sup> Art. 155.

<sup>2541</sup> Arts. 122, 129, 133, 138.

Preclusions (not part of anthologies/compilations limitation/exception)	permitted “provided they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.” <sup>2542</sup>
Subject to Attribution	source, author (unless infeasible) <sup>2543</sup>
Subject to Remuneration	remuneration to be made

Provision	Art. 46(2)
Scope of anthologies/compilations limitation/exception	use, in readers and textbooks that comprise works of a number of several authors
Type(s) of source work(s)	a single disclosed copyright work of photography, fine arts, architecture, applied art, industrial design, and cartography
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	as illustrations intended for teaching according to a public curriculum or for scientific research
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	permitted “provided they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.” <sup>2544</sup>
Subject to Attribution	source, author (unless infeasible) <sup>2545</sup>
Subject to Remuneration	remuneration to be made

## 6. School Performances

Provision	Art. 51(2)
Scope of school performance	publicly perform
Type(s) of source work(s)	a disclosed work
Entity exercising school performance	
Purpose of school performance	at school events for the purpose of teaching (pre-school and school teaching, research, examination) and illustration
Condition of school performance	free admission  performers receive no payment for their performance  without any direct or indirect economic advantage
Preclusions (not part of school performance)	permitted “provided they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.” <sup>2546</sup>

<sup>2542</sup> Art. 45 para. 1.

<sup>2543</sup> Art. 45 para. 4.

<sup>2544</sup> Art. 45 para. 1.

<sup>2545</sup> Art. 45 para. 4.

<sup>2546</sup> Art. 45 para. 1.

Subject to Attribution	
Subject to Remuneration	not required ("without payment of a remuneration")

## 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 46(1)
Scope of broadcast/communication/recording	communicate to the public, <sup>2547</sup> in readers and textbooks that comprise works of several authors
Type(s) of source work(s)	parts of disclosed copyright works
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	solely as illustrations intended for teaching according to a public curriculum or for scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	permitted "provided they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author." <sup>2548</sup>
Subject to Attribution	source, author (unless infeasible) <sup>2549</sup>
Subject to Remuneration	remuneration to be made
Provision	Art. 46(2)
Scope of broadcast/communication/recording	communicate to the public, <sup>2550</sup> in readers and textbooks that comprise works of a number of several authors
Type(s) of source work(s)	a single disclosed copyright work of photography, fine arts, architecture, applied art, industrial design, and cartography
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	as illustrations intended for teaching according to a public curriculum or for scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	permitted "provided they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author." <sup>2551</sup>
Subject to Attribution	source, author (unless infeasible) <sup>2552</sup>

<sup>2547</sup> Art. 46 par. (2).

<sup>2548</sup> Art. 45 para. 1.

<sup>2549</sup> Art. 45 para. 4.

<sup>2550</sup> Art. 46 par. (2).

<sup>2551</sup> Art. 45 para. 1.

<sup>2552</sup> Art. 45 para. 4.

Subject to Remuneration	remuneration to be made
Provision	Art. 51(1)
Scope of broadcast/communication/recording	communication to the public, in the form of direct teaching
Type(s) of source work(s)	a disclosed work
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching (pre-school and school teaching, research, examination) and illustration
Condition of broadcast/communication/recording	done without any direct or indirect economic advantage
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	permitted "provided they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author." <sup>2553</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without payment of a remuneration")

Provision	Art. 51(3)
Scope of broadcast/communication/recording	communication to the public
Type(s) of source work(s)	school radio or television broadcasts
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching (pre-school and school teaching, research, examination) and illustration
Condition of broadcast/communication/recording	done without any direct or indirect economic advantage
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	permitted "provided they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author." <sup>2554</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without payment of a remuneration")

Provision	Art. 47
Scope of broadcast/communication/recording	reproduce and rebroadcast
Type(s) of source work(s)	broadcasts
Entity exercising broadcast/communication/recording	within the framework of public institutions, such as student homes

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<sup>2553</sup> Art. 45 para. 1.

<sup>2554</sup> Art. 45 para. 1.



Purpose of broadcast/communication/recording	
Condition of broadcast/communication/recording	not done for direct or indirect economic advantage
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	permitted "provided they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author." <sup>2555</sup>
Subject to Attribution	
Subject to Remuneration	against a payment of a remuneration

#### 8. Compulsory Licences for Educational Reproductions and Translations

#### 9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 188
Scope of TPM/RMI restriction	require rightholder who used effective technological measures in respect of his work to make available appropriate means, to enforce limitations
Type(s) of source work(s)	work/subject-matter (but not applicable to technological measures which rightholders apply voluntarily, including the technological measures applied in implementation of agreements on the enforcement of limitations between rightsholders and users or for the implementation of decisions in a collective dispute)
Beneficiary exercising restriction	users who reproduce work/subject-matter for [purpose]
Purpose of restriction	teaching in schools <sup>2556</sup> , private and other internal reproduction <sup>2557</sup>
Condition of restriction	upon request and without undue delay  if rightholder fails to secure the necessary means, users may initiate a collective dispute

#### 10. Other Limitations/Exceptions

Provision	Art. 45 paras. 2, 3
Scope of other limitation/exception	copyright limitations as to, inter alia, <sup>2558</sup> reproduction or adaptation of a work for private use, <sup>2559</sup> use of a work by a natural person for research or personal study, <sup>2560</sup> quotation of a

<sup>2555</sup> Art. 45 para. 1.

<sup>2556</sup> E.g., Arts. 46, 51, 52.

<sup>2557</sup> E.g., Arts. 52, 58, 60.

<sup>2558</sup> Arts. 43, 46-61, 76, 113, 114, 144.

<sup>2559</sup> Art. 52.1(1) (reproduction), Art. 58(1), (3) (adaptation).

<sup>2560</sup> Art. 60.

	disclosed work for criticism, recognition or reference, <sup>2561</sup> reproduction of a work by an educational or scientific establishment for internal use, <sup>2562</sup> use of a work in readers and textbooks as illustrations for teaching, <sup>2563</sup> public performance of a disclosed work at school events for teaching and illustration, <sup>2564</sup> communication in readers and textbooks, school radio or television broadcasts or rebroadcasts, or in direct teaching as illustrations for teaching or scientific research, <sup>2565</sup> shall not be waived, and provisions of a contract or other legal act stipulating the entity's waiver shall be null and void
Type(s) of source work(s)	
Entity entitled to limitation/exception	inter alia, natural persons, educational institutions
Purpose of limitation/exception	
Condition of limitation/exception	
Frequency/copies and limits	
Preclusions (not part of limitation/exception)	

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<sup>2561</sup> Art. 53 (reproduction), Art. 58(2) (adaptation).

<sup>2562</sup> Art. 52.1(2).

<sup>2563</sup> Art. 46.

<sup>2564</sup> Art. 51(2).

<sup>2565</sup> Arts. 46, 47, 51.

## Morocco

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 16, 1917 (Paris Act (1971): May 17, 1987)

WIPO Copyright Treaty: July 20, 2011

WIPO Performances and Phonograms Treaty: July 20, 2011

Legislation:

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

Law No. 34-05 amending and supplementing Law No. 2-00 on Copyright and Related Rights (promulgated by Dahir No. 1-05-192 of 15 Moharrem 1427 (February 14, 2006))

### 2. Private/Personal Use

Provision	Art. 12
Scope of private/personal use	reproduction
Type(s) of source work(s)	a lawfully published work, (a performance, phonogram, broadcast) <sup>2566</sup>
Entity exercising private/personal use	
Purpose of private/personal use	private use of user
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture in the form of buildings or other similar constructions, reprographic reproduction of whole book or musical score, whole or part of digital databases, computer program <sup>2567</sup> , "any other reproduction of a work which appears to hamper the normal use of the work or would unjustifiably prejudice the author's legitimate interests"
Subject to Attribution	title (or other description), author (unless anonymous, pseudonymous or author has previously agreed or directed that an acknowledgment is not to be made)
Subject to Remuneration	not required ("without ... payment of a fee")

### 3. Quotations

Provision	Art. 14
Scope of quotation	cite, in another work
Type(s) of source work(s)	a lawfully published work
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	citation complies with correct use and

<sup>2566</sup> Art. 54(e) (applying all other uses representing exceptions in relation to protected works to related rights).

<sup>2567</sup> Art. 21 (excepting use of the computer program and for backup/archival purposes).

	scope does not exceed that justified by the aim to be achieved
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without ... payment of a fee")

Provision	Art. 54(d)
Scope of quotation	citation
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising quotation	
Purpose of quotation	short fragments
Condition of quotation	citations are properly used  citations are justified by their information aim
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("without the payment of a fee")

#### 4. Research/Educational Reproduction

Provision	Art. 15(b)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	individual articles lawfully published in a journal or periodical, short extracts of a lawfully published work or a lawfully published short work
Entity exercising reproduction	
Purpose of educational reproduction	for educational purposes or for examinations in educational institutions whose activities are not designed directly or indirectly to generate commercial profit
Condition of reproduction	
Frequency/copies and limits	to the extent justified by the aim to be achieved  to a reasonable extent
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without ... payment of a fee")

Provision	Art. 54(b)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising reproduction	
Purpose of educational reproduction	solely for the purposes of scientific research
Condition of reproduction	
Frequency/copies and limits	

Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without the payment of a fee")

Provision	Art. 54(c)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising reproduction	
Purpose of educational reproduction	as part of teaching activities
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	performances and phonograms published as material intended for educational purposes
Subject to Attribution	
Subject to Remuneration	not required ("without the payment of a fee")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 15(a)
Scope of anthologies/compilations limitation/exception	use, as an illustration in publications
Type(s) of source work(s)	lawfully published work, (a performance, phonogram, broadcast) <sup>2568</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	educational purposes
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without ... payment of a fee")

#### 6. School Performances

Provision	Art. 23(b)
Scope of school performance	publicly perform
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast) <sup>2569</sup>
Entity exercising school performance	
Purpose of school performance	as part of the activities of an educational institution for the staff and students of such an institution

<sup>2568</sup> Art. 54(e) (applying all other uses representing exceptions in relation to protected works to related rights).

<sup>2569</sup> Art. 54(e) (applying all other uses representing exceptions in relation to protected works to related rights).

Condition of school performance	provided the public [audience of the performance] consists solely of staff and students of the institution, or parents and supervisors, or other persons directly linked to the institution's activities
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("without ... payment of a fee")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 15(a)
Scope of broadcast/communication/recording	use, as an illustration in broadcasts, or sound or visual recordings
Type(s) of source work(s)	lawfully published work, (a performance, phonogram, broadcast) <sup>2570</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	educational purposes
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required

#### 8. Compulsory Licences for Educational Reproductions and Translations

#### 9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 65.1
Scope of TPM/RMI restriction	circumventing technological protection measures and rights management information, and exempting beneficiaries from damages under Art. 62 if they provide proof that they were not aware or had no reason to think that their acts constituted a prohibited activity
Type(s) of source work(s)	
Beneficiary exercising restriction	libraries, archive services, educational institutions or public broadcasting organizations
Purpose of restriction	to enable: - manufacture, import, sale, hiring etc. of device, system or means specially designed or adapted to render inoperable any device etc. used to

<sup>2570</sup> Art. 54(e) (applying all other uses representing exceptions in relation to protected works to related rights).

	<p>prevent or restrict reproduction of a work, or diminish the quality of the copies produced<sup>2571</sup></p> <p>entities as non-profit entities may not be ordered to pay damages</p> <ul style="list-style-type: none"> <li>- circumvention, suppression or restriction of any effective technological measure, or the manufacture, import, sale, hiring etc. of device etc. for the above<sup>2572</sup></li> <li>- removal or alteration of any rights management information without authority, or the distribution or importation for distribution of rights management information in the knowledge that such information has been deleted or altered without authorization<sup>2573</sup></li> <li>- distribution or importation, broadcast, communication to the public or making available to the public, of works, performance, phonograms or broadcasts in the knowledge that rights management information in such works/subject-matter has been deleted/alterred without authorisation<sup>2574</sup></li> </ul>
Condition of restriction	

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<sup>2571</sup> Art. 65(a).

<sup>2572</sup> Art. 65(d), (e).

<sup>2573</sup> Art. 65(f), (g).

<sup>2574</sup> Art. 65(h).

## Mozambique

### 1. Treaties & Legislation

Treaties:

Berne Convention: November 22, 2013 (Paris Act (1971): November 22, 2013)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law No. 4/2001 of February 27, 2001 (Copyright Law, approved by Decree-Law No. 46.980 of April 27, 1966)

### 2. Private/Personal Use

Provision	Art. 9
Scope of private/personal use	reproduce
Type(s) of source work(s)	a lawfully published work
Entity exercising private/personal use	
Purpose of private/personal use	exclusively for the user's private purposes
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture consisting of buildings or other similar constructions, reprographic reproduction of limited-edition 3D art, musical scores, exercise manuals and other publications, even if they are used only once, whole or large parts of databases, computer program <sup>2575</sup> , any other "reproduction of a work that might prejudice its normal exploitation or cause unjustified harm to the legitimate interests of the author."
Subject to Attribution	
Subject to Remuneration	not required ("without ... payment of remuneration")

Provision	Art. 21
Scope of private/personal use	reproduce
Type(s) of source work(s)	a legitimately published audiovisual work or the soundtrack of a work
Entity exercising private/personal use	
Purpose of private/personal use	exclusively for the private purposes of the user
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	

<sup>2575</sup> Art. 16 (excepting use of the computer program and for backup/archival purposes).



Subject to Remuneration	equitable remuneration by way of payment by producers/importers of equipment and physical [media] used for reproduction, received by CMOs, to be distributed to authors, performers and phonogram producers <sup>2576</sup>
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Provision	Art. 46
Scope of private/personal use	reproduction
Type(s) of source work(s)	a phonogram
Entity exercising private/personal use	
Purpose of private/personal use	solely for the purposes of the user
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	equitable remuneration by way of payment by producers/importers of equipment and physical [media] used for reproduction, received by CMOs, to be distributed to performers and phonogram producers <sup>2577</sup>
Provision	Art. 47(a)
Scope of private/personal use	private use
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising private/personal use	
Purpose of private/personal use	
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration") (cf. equitable remuneration if a phonogram is reproduced as part of use <sup>2578</sup> )

### 3. Quotations

Provision	Art. 10
Scope of quotation	quote, in another work
Type(s) of source work(s)	a legitimately published work
Entity exercising quotation	
Purpose of quotation	in the form of quotation
Condition of quotation	quotation conforms to normal custom and practice

<sup>2576</sup> Art. 21(2)-(5) (providing also that in the absence of agreement bet the representatives of producers and importers and CMOs, the amount of equitable remuneration and conditions of its payment shall be fixed as provided in the regulations).

<sup>2577</sup> Art. 46(2) (extending Art. 21(2)-(4) to the equitable remuneration of performers and producers of phonograms).

<sup>2578</sup> To the extent that Art. 47(a) permits the private use of a performance, phonogram or broadcast, without remuneration, it must, by the rule of statutory interpretation, *generalia specialibus non derogant*, be displaced by Art. 46, which subjects the private use of a phonogram to remuneration by the producers and importers.

	its extent does not exceed what is necessary to achieve its purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without ... payment of remuneration")

Provision	Art. 47(d)
Scope of quotation	quotations
Type(s) of source work(s)	short extracts from a performance, a phonogram or a broadcast program
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotations conform to custom and practice quotations justified by their informatory purpose
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

#### 4. Research/Educational Reproduction

Provision	Art. 11(b)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	isolated articles lawfully published in a newspaper or magazine or short extracts from a lawfully published work or short work
Entity exercising reproduction	
Purpose of educational reproduction	for educational purposes or for examinations within educational establishments whose activities are not directly or indirectly profit-making
Condition of reproduction	such use conforms to normal custom and practice
Frequency/copies and limits	to the extent justified by the aim to be achieved
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without ... payment of remuneration")

Provision	Art. 47(c)
Scope of research/educational reproduction	use
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising reproduction	

Purpose of educational reproduction	exclusively for education and scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 11(a)
Scope of anthologies/compilations limitation/exception	use, by way of illustration in publications, broadcasts or audio or video recordings
Type(s) of source work(s)	a lawfully published work, (a performance, phonogram, broadcast) <sup>2579</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	educational purposes
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without ... payment of remuneration")

#### 6. School Performances

Provision	Art. 19(b)
Scope of school performance	present or perform
Type(s) of source work(s)	a work that has been publicly disclosed and is not restricted, (a performance, phonogram, broadcast) <sup>2580</sup>
Entity exercising school performance	performance is by the staff and students of an educational establishment
Purpose of school performance	in the context of the activities of the educational establishment
Condition of school performance	audience is composed exclusively of its staff and students, parents, tutors, those responsible for the education of children or other persons linked to the activities of the establishment
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("without ... payment of any remuneration")

<sup>2579</sup> Art. 47(e) (applying exceptions in relation to works to related rights).

<sup>2580</sup> Art. 47(e) (applying exceptions in relation to works to related rights).

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 11(a)
Scope of broadcast/communication/recording	use, by way of illustration in broadcasts or audio or video recordings
Type(s) of source work(s)	a lawfully published work, (a performance, phonogram, broadcast) <sup>2581</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	educational purposes
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without ... payment of remuneration")
Provision	Art. 47(c)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	exclusively for education and scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes


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<sup>2581</sup> Art. 47(e) (applying exceptions in relation to works to related rights).

## Myanmar

### 1. Treaties & Legislation

Treaties:

Berne Convention: not a party

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Burma Copyright Act of 1911 (based on the U.K. Copyright Act, 1911 (1 & 2 Geo. 5, Ch. 46))

### 2. Private/Personal Use

Provision	s 2(1)(i)
Scope of private/personal use	fair dealing
Type(s) of source work(s)	any work
Entity exercising private/personal use	
Purpose of private/personal use	private study, research
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

### 3. Quotations

Provision	s 2(1)(i)
Scope of quotation	fair dealing
Type(s) of source work(s)	any work
Entity exercising quotation	
Purpose of quotation	criticism, review
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

### 4. Research/Educational Reproduction

### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 2(1)(iv)
Scope of anthologies/compilations limitation/exception	publication in a collection

Type(s) of source work(s)	short passages from published literary works not themselves published for the use of schools in which copyright subsists
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	bona fide intended for the use of schools
Condition of anthologies/compilations limitation/exception	collection is so described in its title and in any publisher's advertisement  collection is mainly composed of non-copyright matter
Frequency/copies and limits	no more than 2 of such passages from works by same author are contained in collections by same publisher within 5 year period
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

6. School Performances
7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Namibia

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 21, 1990 (Paris Act (1971): December 24, 1993)

WIPO Copyright Treaty: signed December 20, 1996

WIPO Performances and Phonograms Treaty: signed December 20, 1996

Legislation:

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

### 2. Private/Personal Use

Provision	s 15(1)(a)
Scope of private/personal use	fair dealing in the use
Type(s) of source work(s)	a literary or musical work, (an artistic work, <sup>2582</sup> a film, <sup>2583</sup> a sound recording, <sup>2584</sup> a broadcast, <sup>2585</sup> a published edition, <sup>2586</sup> ) or its translation <sup>2587</sup>
Entity exercising private/personal use	
Purpose of private/personal use	research or private study by, or the personal or private use of, the person using the work
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright shall not be infringed")

Provision	s 50(2)(a)
Scope of private/personal use	use
Type(s) of source work(s)	a performance, a fixation of a performance or reproduction of such a fixation
Entity exercising private/personal use	
Purpose of private/personal use	private study or personal and private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("without the consent of the performer")

<sup>2582</sup> S 18(4) (applying s 15 exceptions *mutatis mutandis*).

<sup>2583</sup> S 19(1) (applying s 15 exceptions *mutatis mutandis*).

<sup>2584</sup> S 20 (applying s 15 exceptions *mutatis mutandis*).

<sup>2585</sup> S 21 (applying s 15 exceptions *mutatis mutandis*).

<sup>2586</sup> S 23 (applying s 15 exceptions *mutatis mutandis*).

<sup>2587</sup> S 15(11).

Provision	s 16
Scope of private/personal use	reproduction
Type(s) of source work(s)	a work
Entity exercising private/personal use	
Purpose of private/personal use	in such circumstances as are prescribed
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	"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"
Subject to Attribution	
Subject to Remuneration	not required ("shall also be permitted")

### 3. Quotations

Provision	s 15(1)(b)
Scope of quotation	fair dealing
Type(s) of source work(s)	a literary or musical work, (an artistic work, <sup>2588</sup> a film, <sup>2589</sup> a sound recording, <sup>2590</sup> a broadcast, <sup>2591</sup> a published edition, <sup>2592</sup> a computer program <sup>2593</sup> ) or its translation <sup>2594</sup>
Entity exercising quotation	
Purpose of quotation	criticism or review of the work or of another work
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright shall not be infringed")

Provision	s 50(2)(b)
Scope of quotation	criticism or review
Type(s) of source work(s)	a performance, a fixation of a performance or reproduction of such a fixation
Entity exercising quotation	
Purpose of quotation	of the performance or any other performance
Condition of quotation	only short excerpts from the performance, to the extent justified by the purpose, are used
Preclusions (not part of quotation)	
Subject to Attribution	performer's name or names of the leading performers (where available)
Subject to Remuneration	not required ("without the consent of the performer")

<sup>2588</sup> S 18(4) (applying s 15 exceptions *mutatis mutandis*).

<sup>2589</sup> S 19(1) (applying s 15 exceptions *mutatis mutandis*).

<sup>2590</sup> S 20 (applying s 15 exceptions *mutatis mutandis*).

<sup>2591</sup> S 21 (applying s 15 exceptions *mutatis mutandis*).

<sup>2592</sup> S 23 (applying s 15 exceptions *mutatis mutandis*).

<sup>2593</sup> S 24(1) (applying s 15 exceptions *mutatis mutandis*).

<sup>2594</sup> S 15(11).



Provision	s 15(3)
Scope of quotation	quotation
Type(s) of source work(s)	a literary or musical work which is lawfully available to the public, including a quotation from an article in a newspaper, magazine or similar periodical that is in the form of a summary of that work, (a film, <sup>2595</sup> a sound recording, <sup>2596</sup> a broadcast, <sup>2597</sup> a computer program <sup>2598</sup> ) or its translation <sup>2599</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("copyright ... shall not be infringed")

#### 4. Research/Educational Reproduction

Provision	s 16
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a work
Entity exercising reproduction	
Purpose of educational reproduction	in such circumstances as are prescribed
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	"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"
Subject to Attribution	
Subject to Remuneration	not required ("shall also be permitted")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 15(4)
Scope of anthologies/compilations limitation/exception	use, by way of illustration, in a publication

<sup>2595</sup> S 19(1) (applying s 15 exceptions *mutatis mutandis*).

<sup>2596</sup> S 20 (applying s 15 exceptions *mutatis mutandis*).

<sup>2597</sup> S 21 (applying s 15 exceptions *mutatis mutandis*).

<sup>2598</sup> S 24(1) (applying s 15 exceptions *mutatis mutandis*).

<sup>2599</sup> S 15(11).

Type(s) of source work(s)	a literary or musical work, (an artistic work, <sup>2600</sup> a film, <sup>2601</sup> a sound recording, <sup>2602</sup> a broadcast, <sup>2603</sup> a published edition, <sup>2604</sup> a computer program <sup>2605</sup> ) or its translation <sup>2606</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for teaching purposes
Condition of anthologies/compilations limitation/exception	use is compatible with fair practice
Frequency/copies and limits	extent of such use does not exceed that justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("copyright ... shall not be infringed")

#### 6. School Performances

Provision	s 50(2)(c)
Scope of school performance	use
Type(s) of source work(s)	a performance, a fixation of a performance or reproduction of such a fixation
Entity exercising school performance	
Purpose of school performance	teaching or scientific research
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("without the consent of the performer")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 15(4)
Scope of broadcast/communication/recording	use, by way of illustration, in a broadcast or sound or visual recording

<sup>2600</sup> S 18(4) (applying s 15 exceptions *mutatis mutandis*).

<sup>2601</sup> S 19(1) (applying s 15 exceptions *mutatis mutandis*).

<sup>2602</sup> S 20 (applying s 15 exceptions *mutatis mutandis*).

<sup>2603</sup> S 21 (applying s 15 exceptions *mutatis mutandis*).

<sup>2604</sup> S 23 (applying s 15 exceptions *mutatis mutandis*).

<sup>2605</sup> S 24(1) (applying s 15 exceptions *mutatis mutandis*).

<sup>2606</sup> S 15(11).

Type(s) of source work(s)	a literary or musical work, (an artistic work, <sup>2607</sup> a film, <sup>2608</sup> a sound recording, <sup>2609</sup> a broadcast, <sup>2610</sup> a published edition, <sup>2611</sup> a computer program <sup>2612</sup> ) or its translation <sup>2613</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for teaching purposes
Condition of broadcast/communication/recording	use is compatible with fair practice
Frequency/limits of broadcast/communication/recording	extent of such use does not exceed that justified by the purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("copyright ... shall not be infringed")

Provision	s 50(2)(c)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	a performance, a fixation of a performance or reproduction of such a fixation
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching or scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("without the consent of the performer")

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

<sup>2607</sup> S 18(4) (applying s 15 exceptions *mutatis mutandis*).

<sup>2608</sup> S 19(1) (applying s 15 exceptions *mutatis mutandis*).

<sup>2609</sup> S 20 (applying s 15 exceptions *mutatis mutandis*).

<sup>2610</sup> S 21 (applying s 15 exceptions *mutatis mutandis*).

<sup>2611</sup> S 23 (applying s 15 exceptions *mutatis mutandis*).

<sup>2612</sup> S 24(1) (applying s 15 exceptions *mutatis mutandis*).

<sup>2613</sup> S 15(11).

<sup>2614</sup> Nauru was administered as a territory of the Commonwealth of Australia. But with its independence in 1965, all Australian acts that extend to Nauru as a territory of the Australian Commonwealth cease so to extend. Nauru Independence Act 1967, s. 4(1)(b). Australia ceased to exercise any powers of legislation, administration and

Provision	ss 6(1), 9(1)
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a literary, dramatic or musical work, (or its adaptation) <sup>2615</sup> , an artistic work
Entity exercising private/personal use	
Purpose of private/personal use	research or private study
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	

Provision	ss 6(2), 9(2)
Scope of quotation	fair dealing
Type(s) of source work(s)	a literary, dramatic or musical work, (or its adaptation) <sup>2616</sup> or an artistic work
Entity exercising quotation	
Purpose of quotation	purposes of criticism or review, whether of that work or of another work
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	title (or other description), name of author (unless anonymous or author has agreed otherwise) <sup>2617</sup>
Subject to Remuneration	

Provision	s 41(1)(a)
Scope of research/educational reproduction	reproduction (otherwise than by the use of a “duplicating process” <sup>2618</sup> ) or making of an adaptation, of
Type(s) of source work(s)	a literary, dramatic, musical or artistic work
Entity exercising reproduction	by a teacher or pupil
Purpose of educational reproduction	in the course of instruction, whether at a school <sup>2619</sup> or elsewhere
Condition of reproduction	reproduction or adaptation shall not be published <sup>2620</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	

jurisdiction over Nauru. Nauru Independence Act 1967, s. 4(2). Under s. 4(1) of the Custom and Adopted Laws Act 1971 of Nauru, the statutes of general application which were in force in England on Jan. 31, 1968 were adopted as the laws of Nauru. This means that the U.K. Copyright Act 1956 is part of the copyright law of Nauru.

<sup>2615</sup> S 6(8).

<sup>2616</sup> S 6(8).

<sup>2617</sup> Ss 6(10), 48(1) (defining “sufficient acknowledgment”).

<sup>2618</sup> S 41(7) (defining “duplicating process” as any process involving the use of an appliance for producing multiple copies).

<sup>2619</sup> S 41(7) (defining “school” as an entity with the same meaning at that in the Education Act 1944, the Education (Scotland) Act, 1946 and the Education Act (Northern Ireland), 1947 in relation to England and Wales, Scotland and Northern Ireland, but presumably meaning that which is so defined in the laws of Guyana).

<sup>2620</sup> S 41(2).

Subject to Attribution	
Subject to Remuneration	

Provision	s 41(1)(b)
Scope of research/educational reproduction	reproduction (otherwise than by the use of a duplicating process) or making of an adaptation, of
Type(s) of source work(s)	a literary, dramatic, musical or artistic work
Entity exercising reproduction	
Purpose of educational reproduction	as part of the questions to be answered in an examination, or in an answer to such a question
Condition of reproduction	reproduction or adaptation shall not be published <sup>2621</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	

Provision	s 6(6)
Scope of anthologies/compilations limitation/exception	inclusion of a short passage in a collection, from
Type(s) of source work(s)	a published literary or dramatic work, (or its adaptation) <sup>2622</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for use of schools
Condition of anthologies/compilations limitation/exception	collection is so described in its title and in any publisher's advertisement  [source] work was not published for use of schools  collection consists mainly of material in which no copyright subsists
Frequency/copies and limits	not applicable if, in addition to passage in question, 2 or more excerpts from works by same author <sup>2623</sup> are contained in that collection, or that collection with every similar collection by same publisher within 5 year period <sup>2624</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	

<sup>2621</sup> S 41(2).

<sup>2622</sup> S 6(8).

<sup>2623</sup> \*\*\*S 37(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion).

<sup>2624</sup> S 6(6).

Subject to Attribution	title (or other description), name of author (unless anonymous or author has agreed otherwise) <sup>2625</sup>
Subject to Remuneration	not required

Provision	s 12(7)
Scope of school performance	causing to be heard in public
Type(s) of source work(s)	a sound recording
Entity exercising school performance	a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare
Purpose of school performance	as part of the activities of, or for the benefit of
Condition of school performance	proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required

Provision	s 41(3), (5)
Scope of school performance	performance [of a work] causing to be heard or seen, the sounds or visual images [of a sound recording, cinematograph film, a television broadcast]
Type(s) of source work(s)	a literary, dramatic or musical work a sound recording, cinematograph film, a television broadcast
Entity exercising school performance	by a person who is a teacher in, or a pupil in attendance at, the school <sup>2626</sup>
Purpose of school performance	in the course of the activities of a school
Condition of school performance	performance in class, or otherwise in the presence of an audience  audience is limited to persons who are teachers in, or pupils in attendance at, the school, or are otherwise "directly connected" <sup>2627</sup> with the activities of the school
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required

<sup>2625</sup> Ss 6(10), 48(1) (defining "sufficient acknowledgment").

<sup>2626</sup> S 41(7) (defining "school" as an entity with the same meaning as that in the Education Act 1944, the Education (Scotland) Act, 1946 and the Education Act (Northern Ireland), 1947 in relation to England and Wales, Scotland and Northern Ireland, but presumably meaning that which is so defined in the laws of Guyana).

<sup>2627</sup> S 41(4) (defining "directly connected" as excluding a person who is connected by reason only that he is a parent or guardian of a pupil in attendance at the school).

## Nepal

### 1. Treaties & Legislation

Treaties:

Berne Convention: January 11, 2006 (Paris Act (1971): January 11, 2006)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act, 2059 (2002)

### 2. Private/Personal Use

Provision	s 16(1)
Scope of private/personal use	reproduction
Type(s) of source work(s)	some portion of any published work
Entity exercising private/personal use	
Purpose of private/personal use	for personal use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	architectural design erected as a building and other construction related design, significant portion of any book or musical notation, all or significant portion of database through digital transmission, computer program <sup>2628</sup> "in a manner to be prejudicial to the economic right of the author or the copyright owner"
Subject to Attribution	
Subject to Remuneration	not required ("no authorization shall be required from the author or the copyright owner")

### 3. Quotations

Provision	s 17
Scope of quotation	citing for fair use
Type(s) of source work(s)	a published work
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	some portions of a published work
Preclusions (not part of quotation)	cited in a manner not to be prejudicial to the economic right of such author or owner
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without authorization of the author or the copyright owner")

### 4. Research/Educational Reproduction

<sup>2628</sup> S 17 (excepting use of the computer program and for backup/archival purposes).

Provision	s 18(1)(a)
Scope of research/educational reproduction	reproduction, by way of citation, writing or audio-visual aid
Type(s) of source work(s)	any published work
Entity exercising reproduction	
Purpose of educational reproduction	for teaching and learning activities
Condition of reproduction	
Frequency/copies and limits	a small portion [of source work]
Preclusions (not part of research/educational reproduction)	"in a manner not to be prejudicial to the economic right of such author or owner"
Subject to Attribution	source, author
Subject to Remuneration	not required ("without authorization of the author or the copyright owner")

Provision	s 18(1)(b)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	any published work
Entity exercising reproduction	
Purpose of educational reproduction	for teaching and learning activities, for purposes of educational activities to be performed in the classroom
Condition of reproduction	
Frequency/copies and limits	some portions [of work]  "in a manner not to be prejudicial to the economic right of such author or owner"
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without authorization of the author or the copyright owner")

5. Educational Publications/Anthologies/Compilations/Composite Works

6. School Performances

Provision	s 18(1)(b)
Scope of school performance	exhibit
Type(s) of source work(s)	any published work
Entity exercising school performance	
Purpose of school performance	for teaching and learning activities, for purposes of educational activities to be performed in the classroom
Condition of school performance	some portions [of work]
Preclusions (not part of school performance)	"in a manner not to be prejudicial to the economic right of such author or owner"
Subject to Attribution	source, author
Subject to Remuneration	not required ("without authorization of the author or the copyright owner")



7. Educational Broadcasts/Communications/Recordings

Provision	s 18(1)(b)
Scope of broadcast/communication/recording	broadcast and exhibit
Type(s) of source work(s)	some portions of any published work
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for teaching and learning activities, for purposes of educational activities to be performed in the classroom
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	"in a manner not to be prejudicial to the economic right of such author or owner"
Subject to Attribution	source, author
Subject to Remuneration	not required ("without authorization of the author or the copyright owner")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

## Netherlands

### 1. Treaties & Legislation

Treaties:

Berne Convention: November 1, 1912 (Paris Act (1971): January 30, 1986)

WIPO Copyright Treaty: March 14, 2010

WIPO Performances and Phonograms Treaty: March 14, 2010

Legislation:

Act of September 23, 1912, containing New Regulation for Copyright (Copyright Act 1912, as last revised by the Collective Act security and Justice of October 27, 2011)<sup>2629</sup>

### 2. Private/Personal Use

Provision	Art. 16b.1
Scope of private/personal use	reproduction that is limited to a few copies
Type(s) of source work(s)	a literary, scientific or artistic work
Entity exercising private/personal use	a natural person
Purpose of private/personal use	exclusively for his own personal practice, study or use
Condition of private/personal use	<p>without any direct or indirect commercial objective</p> <p>reproduction is made by natural person or ordered exclusively for his own benefit</p> <p>source work is a daily or weekly newspaper or weekly or other periodical, or a book or the score or parts of a musical work, and of works incorporated in said works: reproduction shall be limited to a small part of the work, except for works where it may reasonably be assumed that no new copies will be made available to third parties for payment of any kind, and short articles, news items or other texts, which have appeared in a daily or weekly newspaper or weekly or other periodical<sup>2630</sup></p> <p>drawings, paintings, works of architecture and sculpture, lithographs, engravings and other graphic works: reproduction must differ appreciably from the original work, in size or as a result of the manner in which it was made<sup>2631</sup></p>

<sup>2629</sup> Translation by Mireille van Eechoud in Chapter 17, ###. See also Quirijn Meijnen, Copyright law of the Netherlands, Dutch Copyright Act, Copyright Act of the Netherlands, May 16, 2015, <http://www.quirijnmeijnen.nl/2015/05/copyright-law-of-netherlands-copyright.html> and van Eechoud and Hendriks & James, The Dutch Copyright Act (2015), <http://www.hendriks-james.nl/auteurswet/>.

<sup>2630</sup> Art. 16b.2.

<sup>2631</sup> Art. 16b.3.

	copies made may not be handed to third parties without consent of author/successors in title, unless for judicial or administrative proceedings <sup>2632</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture <sup>2633</sup>  reproductions of a work or part of it on an article intended for causing a work to be heard or seen <sup>2634</sup>
Subject to Attribution	
Subject to Remuneration	fair compensation due to author/successor in title <sup>2635</sup>
Provision	Art. 16c
Scope of private/personal use	reproduction, on an article intended for causing it to be heard or seen
Type(s) of source work(s)	a literary, scientific or artistic work (or part of it)
Entity exercising private/personal use	a natural person
Purpose of private/personal use	exclusively for personal practice, study or use
Condition of private/personal use	without any direct or indirect commercial objective  reproduction is made by natural person  articles made may not be handed to third parties without consent of author/successors in title, unless for judicial or administrative proceedings <sup>2636</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	collections of works, data or other independent materials arranged in a systematic or methodical way and individually accessible by electronic means <sup>2637</sup>
Subject to Attribution	
Subject to Remuneration	fair compensation <sup>2638</sup> due by manufacturer/importer/seller <sup>2639</sup> of articles to CMO, <sup>2640</sup> for author/successor in title <sup>2641</sup>

<sup>2632</sup> Art. 16b.4.

<sup>2633</sup> Art. 16b.6.

<sup>2634</sup> Art. 16b.6.

<sup>2635</sup> Art. 16b.5 (providing that further terms and conditions may be specified by Order in Council).

<sup>2636</sup> Art. 16c.7.

<sup>2637</sup> Art. 16c.8 (excluding Art. 10.3 works).

<sup>2638</sup> Art. 16e (providing that level of fair compensation shall be determined by foundation designated by Minister of Justice). For a summary of the levies for 2015-2017, see English Information: Private Copying in the Netherlands, <http://www.cedar.nl/uploads/15/files/English%20information%20Private%20Copying%20in%20the%20Netherlands.pdf>.

<sup>2639</sup> Art. 16ga (providing that seller is obliged to make payment if it cannot demonstrate that compensation has been paid by manufacturer or importer).

<sup>2640</sup> Art. 16d.

<sup>2641</sup> Art. 16c.2, .16c.3.

3. Quotations

Provision	Art. 15a
Scope of quotation	quote, including quotes in a language other than the original, from (a), and press surveys of (b)
Type(s) of source work(s)	(a) a literary, scientific or artistic work or a piece with a comparable purpose, which has been lawfully made public, including (b) articles appearing in a daily or weekly newspaper or other periodical
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quoting is in accordance with what social custom regards as reasonably acceptable and the number and size of the quoted parts are justified by the purpose to be achieved
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if reasonably possible)
Subject to Remuneration	not required ("not regarded as an infringement of the copyright")

4. Research/Educational Reproduction

Provision	Art. 16.1, 16.2
Scope of research/educational reproduction	reproduction (or a translation) <sup>2642</sup> or "making public" <sup>2643</sup>
Type(s) of source work(s)	parts of a literary, scientific or artistic work, lawfully made public, or a whole work (if it is a short work or a drawing, painting, work of architecture and sculpture, lithograph, engraving and other graphic work, <sup>2644</sup> photographic work <sup>2645</sup> or work of applied art and industrial design and model <sup>2646</sup> )
Entity exercising reproduction	
Purpose of educational reproduction	sole purpose of illustration for teaching
Condition of reproduction	
Frequency/copies and limits	to extent justified by the intended and noncommercial purpose  in accordance with what social custom regards as reasonably acceptable use
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if reasonably possible)

<sup>2642</sup> Art. 16.4 (providing that the provisions of this article also apply where the use is in a language other than the original).

<sup>2643</sup> Art. 12.1 (defining "making public" as including the making public of a reproduction, distribution, rental or lending, recitation, playing, performance or presentation in public, and broadcasting of a work).

<sup>2644</sup> Art. 10.1.6.

<sup>2645</sup> Art. 10.1.9.

<sup>2646</sup> Art. 10.1.11.

Subject to Remuneration	fair compensation to be paid to author/successors in title <sup>2647</sup>
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#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 16.3
Scope of anthologies/compilations limitation/exception	use (including use in a language other than the original) <sup>2648</sup> , for a compilation
Type(s) of source work(s)	(a) short works or short passages of [literary, scientific or artistic] <sup>2649</sup> works by the same author, or (b) a drawing, painting, work of architecture and sculpture, lithograph, engraving and other graphic work, <sup>2650</sup> photographic work, <sup>2651</sup> or work of applied art and industrial design and model <sup>2652</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	for (b): only a few of said works may be used and only if the reproductions differ appreciably from the original work, in size or as a result of the manner in which they are made, in the understanding that, where two or more such works were communicated to the public together, the reproduction of only one of them shall be permitted
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	
Subject to Remuneration	not required ("Not regarded as an infringement of copyright")

#### 6. School Performances

Provision	Art. 12.5
Scope of school performance	recitation, playing, performance or presentation in public
Type(s) of source work(s)	
Entity exercising school performance	
Purpose of school performance	exclusively for the purposes of education provided on behalf of the public authorities or a non-profit-making legal person,

<sup>2647</sup> Art. 16.1.5.

<sup>2648</sup> Art. 16.4.

<sup>2649</sup> Art. 16.1 (reading Art. 16.3 with Art. 16.1).

<sup>2650</sup> Art. 10.1.6.

<sup>2651</sup> Art. 10.1.9.

<sup>2652</sup> Art. 10.1.11.

	or exclusively serve a scientific purpose
Condition of school performance	purposes of education: such a recitation, performance or presentation forms part of the school work plan or curriculum where applicable
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required (“The expression ‘recitation, playing, performance or presentation in public’ does not include...”)

Provision	Art. 16.1, 16.2
Scope of school performance	“making public” <sup>2653</sup> [includes recitation, playing, performance or presentation in public]
Type(s) of source work(s)	parts of a literary, scientific or artistic work, lawfully made public, or a whole work (if it is a short work or a drawing, painting, work of architecture and sculpture, lithograph, engraving and other graphic work, <sup>2654</sup> photographic work <sup>2655</sup> or work of applied art and industrial design and model <sup>2656</sup> )
Entity exercising school performance	
Purpose of school performance	sole purpose of illustration for teaching
Condition of school performance	to extent justified by the intended and noncommercial purpose  in accordance with what social custom regards as reasonably acceptable use
Preclusions (not part of school performance)	
Subject to Attribution	source, author (if reasonably possible)
Subject to Remuneration	fair compensation to be paid to author/successors in title <sup>2657</sup>

## 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 16.1, 16.2
Scope of broadcast/communication/recording	“making public” <sup>2658</sup> [includes presentation in public, broadcasting]
Type(s) of source work(s)	parts of a literary, scientific or artistic work, lawfully made public, or a whole work (if it is a short work or a drawing, painting, work of architecture and sculpture, lithograph, engraving and other graphic

<sup>2653</sup> Art. 12.1 (defining “making public” as including the making public of a reproduction, distribution, rental or lending, recitation, playing, performance or presentation in public, and broadcasting of a work).

<sup>2654</sup> Art. 10.1.6.

<sup>2655</sup> Art. 10.1.9.

<sup>2656</sup> Art. 10.1.11.

<sup>2657</sup> Art. 16.1.5.

<sup>2658</sup> Art. 12.1 (defining “making public” as including the making public of a reproduction, distribution, rental or lending, recitation, playing, performance or presentation in public, and broadcasting of a work).

	work, <sup>2659</sup> photographic work <sup>2660</sup> or work of applied art and industrial design and model <sup>2661</sup> )
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	sole purpose of illustration for teaching
Condition of broadcast/communication/recording	in accordance with what social custom regards as reasonably acceptable use
Frequency/limits of broadcast/communication/recording	to extent justified by the intended and noncommercial purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if reasonably possible)
Subject to Remuneration	fair compensation to be paid to author/successors in title <sup>2662</sup>

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 29b
Scope of TPM/RMI restriction	rules by Order in Council to require rightholder who used technological measures in respect of his work to provide means to the “beneficiaries” to benefit from limitations
Type(s) of source work(s)	a literary, scientific or artistic work (but not applicable to works available on agreed contractual terms to users from a place and at a time individually chosen by them <sup>2663</sup> )
Beneficiary exercising restriction	“beneficiaries”: users who reproduce work/subject-matter for, <i>inter alia</i> , illustration for teaching (Art. 16), for personal purposes (Arts. 16b, 16c).
Purpose of restriction	to the extent necessary and to have legal access to the protected work or subject-matter
Condition of restriction	beneficiary to have lawful access to work protected by technological measures

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<sup>2659</sup> Art. 10.1.6.

<sup>2660</sup> Art. 10.1.9.

<sup>2661</sup> Art. 10.1.11.

<sup>2662</sup> Art. 16.1.5.

<sup>2663</sup> Art. 29b.4, taken from EU Copyright Directive 2001/29, Art. 6(4).

## New Zealand

### 1. Treaties & Legislation

Treaties:

Berne Convention: April 24, 1928 (Rome Act (1928): December 4, 1947)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

New Zealand Copyright Act 1994 (No. 143) (reprint as at 1 March 2017)

### 2. Private/Personal Use

Provision	s 43
Scope of private/personal use	fair dealing, (by means of a reprographic process or by any other means) <sup>2664</sup>
Type(s) of source work(s)	a work (including a published edition)
Entity exercising private/personal use	
Purpose of private/personal use	research or private study
Condition of private/personal use	to determine if copying constitutes fair dealing, court shall have regard to: (a) the purpose of the copying; (b) the nature of work copied; (c) whether the work could have been obtained within a reasonable time at an ordinary commercial price; (d) the effect of the use upon the potential market for or value of the work. (e) where part of a work is copied, the amount and substantiality of the part copied taken in relation to the whole work.
Frequency/copies and limits	no more than 1 copy of the same work, or the same part of a work, on any one occasion
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

Provision	s 81A
Scope of private/personal use	copying
Type(s) of source work(s)	a sound recording (and the literary or musical work contained in it) – not a communication work or part of a communication work
Entity exercising private/personal use	owner of the sound recording
Purpose of private/personal use	used only for that owner's personal use or personal use of a member of the household in which owner lives, or both

<sup>2664</sup> s 43(3).



Condition of private/personal use	sound recording is acquired by owner legitimately, is not an infringing copy, and is not borrowed or hired  sound recording owner retains ownership of both sound recording and any copy made
Frequency/copies and limits	no more than 1 copy is made for each playing device owned by owner of sound recording
Preclusions (not part of private/personal use)	owner of sound recording is bound by contract that specifies the circumstances in which the sound recording may be copied
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")

### 3. Quotations

Provision	s 42(1)
Scope of quotation	fair dealing
Type(s) of source work(s)	a work
Entity exercising quotation	
Purpose of quotation	criticism or review, of that or another work or of a performance of a work
Condition of quotation	reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	title, author (unless anonymous or not possible to ascertain identity for unpublished work) <sup>2665</sup>
Subject to Remuneration	not required ("does not infringe copyright")

Provision	s 176
Scope of quotation	fair dealing
Type(s) of source work(s)	a performance or recording
Entity exercising quotation	
Purpose of quotation	purposes of criticism or review, of that or another performance or recording, or of a work
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe any of the [neighbouring] rights")

### 4. Research/Educational Reproduction

Provision	s 44(1)
Scope of research/educational reproduction	copying, by means of a reprographic process or by any other means

<sup>2665</sup> S 2(1) (defining "sufficient acknowledgment").

Type(s) of source work(s)	a literary, dramatic, musical, or artistic work or the typographical arrangement of a published edition
Entity exercising reproduction	done by or on behalf of the person who is to give, or who is giving,
Purpose of educational reproduction	a lesson at an "educational establishment", <sup>2666</sup>  in the course of preparation for "instruction", <sup>2667</sup> for use in the course of instruction, or in the course of instruction
Condition of reproduction	
Frequency/copies and limits	the whole or part of the work or edition  no more than 1 copy of the whole or part of the work or edition is made on any one occasion  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>2668</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")

Provision	s 44(2)
Scope of research/educational reproduction	copying, <i>not</i> by means of a reprographic process
Type(s) of source work(s)	a literary, dramatic, musical, or artistic work or the typographical arrangement of a published edition
Entity exercising reproduction	by a person who is to give, is giving, or has given the lesson or by a person who is to receive, is receiving, or has received the lesson
Purpose of educational reproduction	in the course of preparation for instruction, for use in the course of "instruction", <sup>2669</sup> or in the course of instruction, or after the course of instruction
Condition of reproduction	
Frequency/copies and limits	the whole or part of the work or edition  1 or more copies of the whole or part of the work or edition is or are made on any one occasion  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>2670</sup>

<sup>2666</sup> S 2(1) (defining "educational establishment" as any school to which the Education Act 1989, Private Schools Conditional Integration Act 1975 etc. applies, and includes any institution, private training establishment, governing training establishment not conducted for profit and any other non-profit body approved by the Minister of Education).

<sup>2667</sup> S 2(1) (defining "instruction" as including giving or receiving a lesson, in person or by correspondence, at an educational establishment or elsewhere).

<sup>2668</sup> S 93(2).

<sup>2669</sup> S 2(1) (defining "instruction" as including giving or receiving a lesson, in person or by correspondence, at an educational establishment or elsewhere).

<sup>2670</sup> S 93(2).

Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")

Provision	s 44(3)
Scope of research/educational reproduction	copying, by means of a reprographic process or by any other means
Type(s) of source work(s)	part of the literary, dramatic, or musical work or the typographical arrangement of a published edition, (or an artistic work is included as part of aforesaid work) <sup>2671</sup>
Entity exercising reproduction	by or on behalf of an educational establishment
Purpose of educational reproduction	an educational purpose
Condition of reproduction	no charge is made for the supply of a copy to any student or other person who is to receive, is receiving, or has received a lesson
Frequency/copies and limits	1 or more copies of part of the work or edition is or are made on any one occasion  (on or after Jan. 1, 1998) no more than the greater of 3% of the work or edition or (3 pages of the work or edition or 50% of the whole work or edition, if the effect is that 3% would be copying the whole work or edition) <sup>2672</sup>  no copying under this exception of that part or any other part of same work within 14 days of previous copying <sup>2673</sup>  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>2674</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")

Provision	ss 45(1), 177(1)
Scope of research/educational reproduction	copying
Type(s) of source work(s)	a film, sound recording, or communication work, or any work included in a film, sound recording, or communication work, (a recording of a performance) <sup>2675</sup>
Entity exercising reproduction	by or on behalf of a person who is to give, is giving, or has given the lesson or by or on

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<sup>2671</sup> S 44(5).

<sup>2672</sup> S 44(4) (qualifying the "greater of 3% of the work or 3 pages" rule).

<sup>2673</sup> S 44(6).

<sup>2674</sup> S 93(2).

<sup>2675</sup> S 177(1).

	behalf of a person who is to receive, is receiving, or has received the lesson, in making of a film or film soundtrack
Purpose of educational reproduction	
Condition of reproduction	in the course of preparation for instruction; or for use in the course of instruction; or in the course of instruction; or after the course of instruction,  no charge is made for the supply of a copy to any student or other person who is to receive, is receiving, or has received the lesson
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>2676</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")

Provision	s 45(3)
Scope of research/educational reproduction	copying
Type(s) of source work(s)	any work that is a sound recording; or any work included in a sound recording
Entity exercising reproduction	by or on behalf of a person who is to give, is giving, or has given the lesson or by or on behalf of a person who is to receive, is receiving, or has received the lesson
Purpose of educational reproduction	in the learning of a language, or the lesson is conducted by correspondence  copying is done in the course of preparation for instruction; or for use in the course of instruction; or in the course of instruction; or after the course of instruction
Condition of reproduction	no charge is made for the supply of a copy to any student or other person who is to receive, is receiving, or has received the lesson  no copying if licences under licensing scheme are available authorizing copying and person making copies knows of licences <sup>2677</sup>
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>2678</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")

Provision	s 177(1)
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<sup>2676</sup> Ss 93(2), 180(1).

<sup>2677</sup> S 45(5).

<sup>2678</sup> S 93(2).

Scope of research/educational reproduction	copying
Type(s) of source work(s)	a recording of a performance
Entity exercising reproduction	by or on behalf of a person who is to give, is giving, or has given the lesson or by or on behalf of a person who is to receive, is receiving, or has received the lesson
Purpose of educational reproduction	in the learning of a language, or is conducted by correspondence  copying is done in the course of preparation for instruction; or for use in the course of instruction; or in the course of instruction; or after the course of instruction
Condition of reproduction	no charge is made for the supply of a copy to any student or other person who is to receive, is receiving, or has received the lesson
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>2679</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights... are not infringed")
Provision	s 177(2)(a)
Scope of research/educational reproduction	copying
Type(s) of source work(s)	a recording of a performance
Entity exercising reproduction	
Purpose of educational reproduction	setting or answering the questions in an examination
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights... are not infringed")

Provision	s 177(2)(b)
Scope of research/educational reproduction	anything done
Type(s) of source work(s)	a recording of a performance
Entity exercising reproduction	
Purpose of educational reproduction	for purposes of an examination by way of communicating the questions to the candidates
Condition of reproduction	
Frequency/copies and limits	

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<sup>2679</sup> S 177(1).

Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights... are not infringed")
Provision	s 49
Scope of research/educational reproduction	anything done
Type(s) of source work(s)	
Entity exercising reproduction	
Purpose of educational reproduction	an examination, whether by way of setting the questions, communicating the questions to the candidates, or answering the questions
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>2680</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright is not infringed")

Provision	s 44A
Scope of research/educational reproduction	storing, pursuant to making available on a website or other electronic retrieval system
Type(s) of source work(s)	a copy of the page(s) in which work appears ["the material"]
Entity exercising reproduction	educational establishment
Purpose of educational reproduction	for an educational purpose
Condition of reproduction	the material— (i) is displayed under a separate frame or identifier; and (ii) identifies the author (if known) and source of the work; and (iii) states the name of the educational establishment and the date on which the work was stored
Frequency/copies and limits	the material is restricted to use by "authenticated users" <sup>2681</sup>  educational establishment to delete the stored material within a reasonable time after the material becomes no longer relevant to the course of instruction for which it was stored <sup>2682</sup>

<sup>2680</sup> S 93(2).

<sup>2681</sup> S 44A(3) (defining "authenticated user" as a person who is a participant in the course of instruction for which the material is stored, and can access the stored material only through a verification process).

<sup>2682</sup> S 44A(2) (providing that exception does not apply and educational establishment will infringe copyright if the educational establishment knowingly fails to delete the stored material within a reasonable time after the material becomes no longer relevant to the course of instruction for which it was stored).

	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>2683</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

Provision	s 48(1)(a)
Scope of research/educational reproduction	making of a copy
Type(s) of source work(s)	a "communication work" <sup>2684</sup>
Entity exercising reproduction	by or on behalf of an educational establishment
Purpose of educational reproduction	copy is made for the educational establishment's educational purposes
Condition of reproduction	no making if licences under licensing scheme are available authorizing copying/communication and educational establishment knows of licences <sup>2685</sup>
Frequency/copies and limits	one copy  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>2686</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

Provision	s 48(1)(b)
Scope of research/educational reproduction	making and supply of a copy
Type(s) of source work(s)	a "communication work" <sup>2687</sup>
Entity exercising reproduction	by educational resource supplier
Purpose of educational reproduction	copy is made and supplied for the educational establishment's educational purposes
Condition of reproduction	no making/supply if licences under licensing scheme are available authorizing copying/supply and educational resource supplier knows of licences <sup>2688</sup>
Frequency/copies and limits	one copy
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

<sup>2683</sup> S 93(2).

<sup>2684</sup> S 2(1) (defining a "communication work" as a transmission of sounds, visual images, or other information, or a combination of any of those, for reception by members of the public, and includes a broadcast or a cable programme).

<sup>2685</sup> S 48(4)(a), (b).

<sup>2686</sup> S 93(2).

<sup>2687</sup> S 2(1) (defining a "communication work" as a transmission of sounds, visual images, or other information, or a combination of any of those, for reception by members of the public, and includes a broadcast or a cable programme).

<sup>2688</sup> S 48(4)(a), (c).

**5. Educational Publications/Anthologies/Compilations/Composite Works**

Provision	s 46
Scope of anthologies/compilations limitation/exception	copying, in a collection
Type(s) of source work(s)	a short passage from a published work (being a literary, dramatic, or musical work), not a computer program <sup>2689</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	collection for (any use for educational purposes) <sup>2690</sup> in educational establishments
Condition of anthologies/compilations limitation/exception	collection is so described in its title and in any publisher's advertisement  collection consists mainly of material in which no copyright subsists or in which copyright is owned by the publisher or the Crown  publisher of source work did not intend it to be used in educational establishments
Frequency/copies and limits	no more than 2 passages from works by same author <sup>2691</sup> in collections by same publisher over any 5 year period <sup>2692</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title, author (unless anonymous or not possible to ascertain identity for unpublished work) <sup>2693</sup>
Subject to Remuneration	not required ("does not infringe copyright")

**6. School Performances**

Provision	s 47(1)
Scope of school performance	performance
Type(s) of source work(s)	a literary, dramatic, or musical work
Entity exercising school performance	by a student or staff member in the course of the activities of the establishment; or by any person for the purposes of instruction at the establishment,
Purpose of school performance	
Condition of school performance	an audience consisting of persons who are students or staff members at an educational

<sup>2689</sup> S 46(5).<sup>2690</sup> S 46(4).<sup>2691</sup> S 46(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion).<sup>2692</sup> S 46(2).<sup>2693</sup> S 2(1) (defining "sufficient acknowledgment").



	establishment or are “directly connected” <sup>2694</sup> with the activities of the establishment
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required (“not a performance in public”)

Provision	s 177(2)(b)
Scope of school performance	anything done
Type(s) of source work(s)	a recording of a performance
Entity exercising school performance	
Purpose of school performance	for purposes of an examination by way of communicating the questions to the candidates
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required (“[neighbouring] rights... are not infringed”)

Provision	ss 47(2), 178
Scope of school performance	playing or showing
Type(s) of source work(s)	a sound recording, film, communication work
Entity exercising school performance	
Purpose of school performance	for the purpose of instruction
Condition of school performance	an audience consisting of persons who are students or staff members at an educational establishment or are “directly connected” <sup>2695</sup> with the activities of the establishment
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required (“is not a performance in public”/“does not infringe any of the [neighbouring] rights”)

Provision	ss 81, 186
Scope of school performance	play
Type(s) of source work(s)	a sound recording
Entity exercising school performance	a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare

<sup>2694</sup> S 47(3) (“For the purposes of this section, a person shall not be treated as a person directly connected with the activities of an educational establishment by reason only that the person is a parent or guardian of a student at that educational establishment.”).

<sup>2695</sup> Ss 47(3), 178(2) (“For the purposes of this section, a person shall not be treated as a person directly connected with the activities of an educational establishment by reason only that the person is a parent or guardian of a student at that educational establishment.”).

Purpose of school performance	as part of the activities of, or for the benefit of [entity]
Condition of school performance	proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of copyright/any [neighbouring] right")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 44(4A)
Scope of broadcast/communication/recording	communication
Type(s) of source work(s)	a work copied pursuant to s 44(3)
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	to a person who is a student or other person who is to receive, is receiving, or has received, a lesson that relates to the work
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("may be communicated")

Provision	s 48(1)(a)
Scope of broadcast/communication/recording	communication of a copy, and subsequent communication (within the establishment) of the copy
Type(s) of source work(s)	a "communication work" <sup>2696</sup>
Entity exercising broadcast/communication/recording	by or on behalf of an educational establishment
Purpose of broadcast/communication/recording	communication is made for the educational establishment's educational purposes
Condition of broadcast/communication/recording	no communication if licences under licensing scheme are available authorizing copying/communication and educational establishment knows of licences <sup>2697</sup>
Frequency/limits of broadcast/communication/recording	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>2698</sup>

<sup>2696</sup> S 2(1) (defining a "communication work" as a transmission of sounds, visual images, or other information, or a combination of any of those, for reception by members of the public, and includes a broadcast or a cable programme).

<sup>2697</sup> S 48(4)(a), (b).

<sup>2698</sup> S 93(2).

Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

Provision	s 179
Scope of broadcast/communication/recording	recording
Type(s) of source work(s)	a communication work, or a copy of such a recording
Entity exercising broadcast/communication/recording	by or on behalf of an educational establishment
Purpose of broadcast/communication/recording	for its educational purposes
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	recording not to be subsequently dealt with <sup>2699</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without infringing any of the [neighbouring] rights")

Provision	s 177(2)(b)
Scope of broadcast/communication/recording	anything done
Type(s) of source work(s)	a recording of a performance
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for purposes of an examination by way of communicating the questions to the candidates
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	recording not to be subsequently dealt with <sup>2700</sup>
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights... are not infringed")

#### 8. Compulsory Licences for Educational Reproductions and Translations

#### 9. TPM/RMI Exceptions for Educational Purposes

Provision	s 226D
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<sup>2699</sup> S 180.

<sup>2700</sup> S 180.

Scope of TPM/RMI restriction	circumventing technological protection measure, and for making, importing, selling or letting for hire of a TPM circumvention device
Type(s) of source work(s)	TPM work (a copyright work that is protected by a technological protection measure) <sup>2701</sup>
Beneficiary exercising restriction	an educational establishment as user of a TPM work
Purpose of restriction	to enable beneficiary to exercise "permitted act" (e.g. copying and communication for educational purposes: ss 44, 45, 48, 179; for examinations: ss 49, 177; for school performances: ss 47, 178)
Condition of restriction	

Provision	s 226D
Scope of TPM/RMI restriction	circumventing technological protection measure, and for making, importing, selling or letting for hire of a TPM circumvention device
Type(s) of source work(s)	TPM work (a copyright work that is protected by a technological protection measure) <sup>2702</sup>
Beneficiary exercising restriction	a librarian of a prescribed library, an archivist of an archive, an educational establishment or any other person specified by the Governor-General as a qualified person
Purpose of restriction	to undertake encryption research <sup>2703</sup> on behalf of the user of a TPM work
Condition of restriction	

Provision	s 226E(3)
Scope of TPM/RMI restriction	circumventing technological protection measure, using a TPM circumvention device
Type(s) of source work(s)	
Beneficiary exercising restriction	a person (i) engaged in a course of study at an educational institution in the field of encryption technology, or (ii) employed, trained, or experienced in the field of encryption technology
Purpose of restriction	to undertake encryption research
Condition of restriction	person has either obtained permission to use TPM circumvention device for purpose of research, or has taken/will take all reasonable steps to obtain that permission

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<sup>2701</sup> S 226.

<sup>2702</sup> S 226.

<sup>2703</sup> S 226D(2)(b).

## Nicaragua

### 1. Treaties & Legislation

Treaties:

Berne Convention: August 23, 2000 (Paris Act (1971): August 23, 2000)

WIPO Copyright Treaty: March 6, 2003

WIPO Performances and Phonograms Treaty: March 6, 2003

Legislation:

Law on Copyright and Neighboring Rights (Law No.312/1999)

Decree No. 22/2000 and Amendments to Decree No. 22-2000 (Decree No. 24-2006)

Law on Amendments and Additions to Law No. 312 (Law No. 577/2006)

### 2. Private/Personal Use

Provision	Art. 31
Scope of private/personal use	reproduction
Type(s) of source work(s)	a published work
Entity exercising private/personal use	
Purpose of private/personal use	for personal use only
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture that take the form of buildings or other similar buildings, reprographic reproduction of whole books or musical scores, whole or substantial part of databases, computer program <sup>2704</sup> , any other reproduction of a work that “could affect the normal exploitation of the work or which would otherwise unreasonably prejudice the legitimate interests of the author”
Subject to Attribution	
Subject to Remuneration	

### 3. Quotations

Provision	Art. 32
Scope of quotation	reproduction
Type(s) of source work(s)	a passage of works, as well as isolated photographs and pieces of art, that are disclosed
Entity exercising quotation	
Purpose of quotation	for analysis, comment or criticism
Condition of quotation	extent is justified by the desired purpose, in accordance with fair practices
Preclusions (not part of quotation)	
Subject to Attribution	source, author

<sup>2704</sup> Art. 39 (excepting use of the computer program and for backup/archival purposes).

Subject to Remuneration	not required ("It shall be lawful, without the authorization of the author")
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4. Research/Educational Reproduction

Provision	Art. 33
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	isolated articles published by the press or short passages of work, that have been published
Entity exercising reproduction	educational institutions
Purpose of educational reproduction	teaching purposes
Condition of reproduction	reproduction takes place on educational institutions, without commercial purposes, direct or indirect
Frequency/copies and limits	extent is justified by the desired purpose, in accordance with fair practices
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if appears on work)
Subject to Remuneration	not required ("It shall be lawful, without the authorization of the author")

Provision	Art. 36
Scope of research/educational reproduction	annotation and collection
Type(s) of source work(s)	lectures or lessons given at educational establishments
Entity exercising reproduction	
Purpose of educational reproduction	
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	publication or full or partial reproduction prohibited without the permission of the author

5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances7. Educational Broadcasts/Communications/Recordings8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 111(a)
Scope of TPM/RMI restriction	non-infringing reverse engineering, in respect of specific elements of computer program that were not made available to reverse engineer

Type(s) of source work(s)	lawfully obtained copy of a computer program
Beneficiary exercising restriction	reverse engineer
Purpose of restriction	solely for the purpose of enabling interoperability of an independently created computer program with other programs
Condition of restriction	reverse engineering carried out in good faith

Provision	Art. 111(b)
Scope of TPM/RMI restriction	non-infringing activities
Type(s) of source work(s)	lawfully obtained copy, performance or sample of an unfixed work, performance or phonogram
Beneficiary exercising restriction	a duly qualified researcher
Purpose of restriction	sole purpose of identifying and analyzing faults and vulnerabilities in the technologies to encrypt and decrypt the information
Condition of restriction	activities carried out in good faith  researcher has made a good faith effort to obtain authorization to carry out the said activities, as necessary

Provision	Art. 111(d)
Scope of TPM/RMI restriction	non-infringing activities
Type(s) of source work(s)	
Beneficiary exercising restriction	person authorized by owner of a computer or computer system or network
Purpose of restriction	carried out for the sole purpose of testing, researching or remedying the security of this computer or computer system or network
Condition of restriction	activities carried out in good faith

Provision	Art. 111 first
Scope of TPM/RMI restriction	access to which beneficiary would not have been able to access otherwise
Type(s) of source work(s)	a work, performance or phonogram (as protected by effective technological measures)
Beneficiary exercising restriction	a library, archive or non-profit educational institution
Purpose of restriction	sole purpose of taking decisions regarding acquisitions
Condition of restriction	

## Niger

### 1. Treaties & Legislation

Treaties:

Berne Convention: May 2, 1962 (Paris Act (1971): May 21, 1975)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Bangui Agreement 1977

Legislation:

Decree No. 93-027 of March 30, 1993, on Copyright, Neighbouring Rights and Folklore

### 2. Private/Personal Use

Provision	Art. 9
Scope of private/personal use	reproduce
Type(s) of source work(s)	a lawfully published work, (audiovisual work or soundtrack of a work <sup>2705</sup> or phonogram <sup>2706</sup> )
Entity exercising private/personal use	
Purpose of private/personal use	exclusively for the private use of the user
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture in the form of buildings or other similar constructions, reproduction of works of fine art in a limited quantity, musical scores, exercise manuals and other publications used once only, whole or significant parts of databases, computer programs <sup>2707</sup> , any reproduction of a work that "would prejudice the normal exploitation of the work or would cause unwarranted prejudice to the legitimate interests of the author."
Subject to Attribution	
Subject to Remuneration	(audiovisual work or soundtrack of a work or phonogram) equitable remuneration by way of payment made by producers and importers of equipment and physical material used for reproduction, to Copyright Office of Niger, for payment to authors, performers and phonogram producers <sup>2708</sup>

Provision	Art. 47(i)
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<sup>2705</sup> Art. 21.

<sup>2706</sup> Art. 46.

<sup>2707</sup> Art. 16 (excepting use of the computer program and for backup/archival purposes).

<sup>2708</sup> Arts. 21 (providing that in the absence of agreement between the representatives of the producers and importers and the Copyright Office of Niger, the amount of equitable remuneration and conditions of payment shall be fixed by the ordinary courts), 46 (equitable remuneration for private reproduction payable to performer and phonogram producer).



Scope of private/personal use	use
Type(s) of source work(s)	a performance/phonogram, a broadcast
Entity exercising private/personal use	
Purpose of private/personal use	private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	(audiovisual work or soundtrack of a work or phonogram) equitable remuneration by way of payment made by producers and importers of equipment and physical material used for reproduction, to Copyright Office of Niger, for payment to authors, performers and phonogram producers <sup>2709</sup>

### 3. Quotations

Provision	Art. 10
Scope of quotation	quote, in another work
Type(s) of source work(s)	lawfully published work
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation is compatible with fair practice  quotation extent does not exceed that justified by the intended purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without payment of remuneration")

Provision	Art. 47(iv)
Scope of quotation	quotations
Type(s) of source work(s)	short fragments from a performance, a phonogram or a broadcast program
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotations comply with fair use  quotations are justified by their informative aim
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

<sup>2709</sup> Arts. 21 (providing that in the absence of agreement between the representatives of the producers and importers and the Copyright Office of Niger, the amount of equitable remuneration and conditions of payment shall be fixed by the ordinary courts), 46 (equitable remuneration for private reproduction payable to performer and phonogram producer).

**4. Research/Educational Reproduction**

Provision	Art. 11(ii)
Scope of research/educational reproduction	reproduce, by reprographic means
Type(s) of source work(s)	lawfully published individual articles from a newspaper or periodical, and short extracts from a lawfully published work or such a work, (a performance, a phonogram, a broadcast) <sup>2710</sup>
Entity exercising reproduction	
Purpose of educational reproduction	for teaching, or for examinations within teaching establishments
Condition of reproduction	activities are not directly or indirectly profit-making  such use is compatible with fair practice.
Frequency/copies and limits	to the extent justified by the intended purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without payment of remuneration")

**5. Educational Publications/Anthologies/Compilations/Composite Works**

Provision	Art. 11(i)
Scope of anthologies/compilations limitation/exception	use, as an illustration in publications
Type(s) of source work(s)	a lawfully published work, (a performance, a phonogram, a broadcast) <sup>2711</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	intended for teaching
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without payment of remuneration")

**6. School Performances**

Provision	Art. 19(ii)
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<sup>2710</sup> Art. 47(v) (applying all other users that constitute exceptions with respect to works to related rights).

<sup>2711</sup> Art. 47(v) (applying all other users that constitute exceptions with respect to works to related rights).

Scope of school performance	publicly perform
Type(s) of source work(s)	a work, (a performance, a phonogram, a broadcast) <sup>2712</sup>
Entity exercising school performance	
Purpose of school performance	as part of the activities of a teaching establishment for the staff and students of such an establishment
Condition of school performance	audience consists exclusively of the staff and students of the establishment or of the parents and supervisors of the students or other persons directly related to the activities of the establishment
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 11(i)
Scope of broadcast/communication/recording	use, as an illustration in broadcasts or sound or visual recordings
Type(s) of source work(s)	a lawfully published work, (a performance, a phonogram, a broadcast) <sup>2713</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	intended for teaching
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without payment of remuneration")
Provision	Art. 47(iii)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	a performance/phonogram, broadcast
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	solely for purposes of teaching or scientific research
Condition of broadcast/communication/recording	

<sup>2712</sup> Art. 47(v) (applying all other users that constitute exceptions with respect to works to related rights).

<sup>2713</sup> Art. 47(v) (applying all other users that constitute exceptions with respect to works to related rights).

Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("not required ("without payment of remuneration"))

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Nigeria

### 1. Treaties & Legislation

Treaties:

Berne Convention: September 14, 1993 (Paris Act (1971): September 14, 1993)

WIPO Copyright Treaty: signed March 24, 1997

WIPO Performances and Phonograms Treaty: signed March 24, 1997

Legislation:

Copyright Act (Chapter C.28, as codified 2004)

### 2. Private/Personal Use

Provision	Second Schedule, para. (a)
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a work
Entity exercising private/personal use	
Purpose of private/personal use	research, private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	if use is public: title, author (unless incidentally included in a broadcast)
Subject to Remuneration	levy payable on materials (storage media and equipment/devices used or capable of being used for infringement of copyright <sup>2714</sup> ), payable by importer, manufacturer, to account of Nigerian Copyright commission to be distributed among approved copyright societies <sup>2715</sup>

Provision	Second Schedule, para. (r)
Scope of private/personal use	reproduction
Type(s) of source work(s)	an unpublished literary or musical work kept in a library, museum or other institutions to which the public has access
Entity exercising private/personal use	
Purpose of private/personal use	research or private study
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	levy payable on materials (storage media and equipment/devices used or capable of being

<sup>2714</sup> Art. 40(5) (defining "materials").

<sup>2715</sup> Art. 40; Copyright (Levy on Materials) Order 2012.

	used for infringement of copyright <sup>2716</sup> ), payable by importer, manufacturer, to account of Nigerian Copyright commission to be distributed among approved copyright societies <sup>2717</sup>
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### 3. Quotations

Provision	Second Schedule, para. (a)
Scope of quotation	fair dealing
Type(s) of source work(s)	a work
Entity exercising quotation	
Purpose of quotation	criticism or review
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	if use is public: title, author (unless incidentally included in a broadcast)
Subject to Remuneration	levy payable on materials (storage media and equipment/devices used or capable of being used for infringement of copyright <sup>2718</sup> ), payable by importer, manufacturer, to account of Nigerian Copyright commission to be distributed among approved copyright societies <sup>2719</sup>

### 4. Research/Educational Reproduction

Provision	Second Schedule, para. (h)
Scope of research/educational reproduction	any use made
Type(s) of source work(s)	a work
Entity exercising reproduction	an approved educational institution
Purpose of educational reproduction	for the educational purposes of that institution
Condition of reproduction	
Frequency/copies and limits	if a reproduction is made for any such purpose it shall be destroyed before the end of the prescribed period, or if there is no prescribed period, before the end of the period of twelve months after it was made
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	levy payable on materials (storage media and equipment/devices used or capable of being used for infringement of copyright <sup>2720</sup> ), payable by importer, manufacturer, to account of Nigerian Copyright commission to be distributed among approved copyright societies <sup>2721</sup>

<sup>2716</sup> Art. 40(5) (defining "materials").

<sup>2717</sup> Art. 40; Copyright (Levy on Materials) Order 2012.

<sup>2718</sup> Art. 40(5) (defining "materials").

<sup>2719</sup> Art. 40; Copyright (Levy on Materials) Order 2012.

<sup>2720</sup> Art. 40(5) (defining "materials").

<sup>2721</sup> Art. 40; Copyright (Levy on Materials) Order 2012.

5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Second Schedule, para. (f)
Scope of anthologies/compilations limitation/exception	inclusion, in a collection of literary or musical work
Type(s) of source work(s)	a literary or musical work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	collection designed for educational use
Condition of anthologies/compilations limitation/exception	collection is described as designed for educational use (in a statement on collection)
Frequency/copies and limits	more than 2 excerpts from the work
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title, author
Subject to Remuneration	levy payable on materials (storage media and equipment/devices used or capable of being used for infringement of copyright <sup>2722</sup> ), payable by importer, manufacturer, to account of Nigerian Copyright commission to be distributed among approved copyright societies <sup>2723</sup>

6. School Performances

Provision	Second Schedule, para. (h)
Scope of school performance	any use made
Type(s) of source work(s)	a work
Entity exercising school performance	an approved educational institution
Purpose of school performance	for the educational purposes of that institution
Condition of school performance	if a reproduction is made for any such purpose it shall be destroyed before the end of the prescribed period, or if there is no prescribed period, before the end of the period of twelve months after it was made
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	levy payable on materials (storage media and equipment/devices used or capable of being used for infringement of copyright <sup>2724</sup> ), payable by importer, manufacturer, to account of Nigerian Copyright commission to be distributed among approved copyright societies <sup>2725</sup>

<sup>2722</sup> Art. 40(5) (defining "materials").<sup>2723</sup> Art. 40; Copyright (Levy on Materials) Order 2012.<sup>2724</sup> Art. 40(5) (defining "materials").<sup>2725</sup> Art. 40; Copyright (Levy on Materials) Order 2012.

7. Educational Broadcasts/Communications/Recordings

Provision	Second Schedule, para. (g)
Scope of broadcast/communication/recording	broadcasting
Type(s) of source work(s)	a work
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	broadcast is approved by the broadcasting authority as an educational broadcast
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	levy payable on materials (storage media and equipment/devices used or capable of being used for infringement of copyright <sup>2726</sup> ), payable by importer, manufacturer, to account of Nigerian Copyright commission to be distributed among approved copyright societies <sup>2727</sup>

Provision	Second Schedule, para. (g)
Scope of broadcast/communication/recording	communication to the public
Type(s) of source work(s)	a work
Entity exercising broadcast/communication/recording	any club whose aim is not profit making
Purpose of broadcast/communication/recording	in a place where no admission fee is charged in respect of the communication
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	levy payable on materials (storage media and equipment/devices used or capable of being used for infringement of copyright <sup>2728</sup> ), payable by importer, manufacturer, to account of Nigerian Copyright commission to be distributed among approved copyright societies <sup>2729</sup>

<sup>2726</sup> Art. 40(5) (defining "materials").

<sup>2727</sup> Art. 40; Copyright (Levy on Materials) Order 2012.

<sup>2728</sup> Art. 40(5) (defining "materials").

<sup>2729</sup> Art. 40; Copyright (Levy on Materials) Order 2012.



8. Compulsory Licences for Educational Reproductions and Translations

Provision	Para 2, Fourth Schedule
Nature of compulsory licence for translation for educational purposes	non-exclusive, <sup>2730</sup> compulsory licence, for production and publication of such translation
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>2731</sup> no digital dissemination <sup>2732</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	literary or dramatic works which have been published in printed or analogous forms of reproduction <sup>2733</sup>  (for broadcasting organization in Nigeria or any "qualified person") any text incorporated in an audio-visual fixation prepared and published solely for the purpose of teaching or dissemination of results of specialized, technical or scientific research to experts in any particular field <sup>2734</sup>
Licence applicant/entity	licence applicant is a "qualified person" (a citizen of Nigeria or an individual domiciled in Nigeria, or a body corporate incorporated under any written law in Nigeria) <sup>2735</sup>
Purpose of licence	purpose of teaching, scholarship or research <sup>2736</sup> (including purpose of instruction activity at all levels in educational institutions, and purposes of all types of organized educational activity), <sup>2737</sup> but research shall not include industrial research, or research carried out by bodies corporate (not being bodies corporate owned or controlled by the Government), companies, associations or bodies of persons carrying on any business <sup>2738</sup>
Condition of licence	licence application may be made: 3 years from first publication (for translation into English), <sup>2739</sup> or

<sup>2730</sup> Para. 2(4), Fourth Schedule.

<sup>2731</sup> S. 6(1)(a), (b) (providing as exclusive rights of copyright the acts to, inter alia, "reproduce", "publish" and "produce"); s. 51 (defining "copy" as "a reproduction in written form, in the form of a recording or cinematograph film, or in any other material form...", and "reproduction" as "the making of one or more copies of a literary, musical or artistic work, cinematograph film or sound recording").

<sup>2732</sup> No references to "communication to the public". See s. 6(1)(a), (b) (providing as exclusive rights of copyright the acts to, inter alia, "distribute to the public", "broadcast or communication to the public ... by a loudspeaker or any other similar device"), s 51 (defining "communication to the public" as including "any mode of visual or acoustic presentation, but does not include a broadcast or re-broadcast").

<sup>2733</sup> Para. 2(1), Fourth Schedule.

<sup>2734</sup> Para. 4(1)(b), Fourth Schedule.

<sup>2735</sup> Para. 1, Fourth Schedule.

<sup>2736</sup> Para. 2(1), Fourth Schedule.

<sup>2737</sup> Para. 1, Fourth Schedule.

<sup>2738</sup> Para. 1, Fourth Schedule.

<sup>2739</sup> Para. 2(6)(b), Fourth Schedule.

	<p>1 year from first publication (for translation into any language spoken in Nigeria other than English)<sup>2740</sup></p> <p>work has not been previously translated into the language in the licence application and published in printed or analogous forms of reproduction by the owner of the right of translation or with authorization of owner, or if translation has been so published, all previous editions in that language are out of print<sup>2741</sup></p> <p>licence applicant has requested and been denied authorisation by copyright owner, or was unable to find owner after due diligence, despite sending request to publisher not less than 2 months before licence application, and to national or international information centre<sup>2742</sup></p> <p>opportunity to be heard is given, to owner of copyright, wherever practicable<sup>2743</sup></p> <p>a further period of 6/9 months has lapsed from date licence applicant complies with licence requirements<sup>2744</sup></p> <p>no licence shall be granted if, during further period, a translation into said language has been published by or with authorisation of owner<sup>2745</sup></p> <p>if work is composed mainly of illustrations, the additional conditions of the Para. Three to the Fourth Schedule are fulfilled<sup>2746</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>2747</sup></p> <p>on all copies of the published translation are printed: the name of author and original title,<sup>2748</sup> a notice in the language of the translation stating that the copy is available for distribution only in Nigeria,<sup>2749</sup></p>
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<sup>2740</sup> Para. 2(6)(a), Fourth Schedule.

<sup>2741</sup> Para. 2(7)(a), Fourth Schedule.

<sup>2742</sup> Para. 2(7)(b)-(d), Fourth Schedule.

<sup>2743</sup> Para. 2(7)(j), Fourth Schedule.

<sup>2744</sup> Para. 2(7)(f), Fourth Schedule.

<sup>2745</sup> Para. 2(7)(f), Fourth Schedule.

<sup>2746</sup> Para. 2(7)(h), Fourth Schedule.

<sup>2747</sup> Para. 2(7)(i), Fourth Schedule.

<sup>2748</sup> Para. 2(7)(g), Fourth Schedule.

<sup>2749</sup> Para. 2(4)(b), Fourth Schedule.

	Commission to be satisfied that licence applicant is competent to produce and publish a correct translation of the work and possesses the means to pay royalties to owner of copyright <sup>2750</sup>
Compulsory licence fee(s)	beneficiary of compulsory licence to pay royalties to owner of copyright in the work, calculated at such rate as the Commission may, in the circumstances of each case, determine in the prescribed manner, consistent with licences freely negotiated between persons in Nigeria and owners of translation rights in the country of the owner of the translation rights <sup>2751</sup>
Price of publication	licence application shall state proposed retail price of a copy or translation <sup>2752</sup>
Distribution conditions	copies of translated work may not be exported, except if translation is into a language other than English, for Nigeria citizens or such association outside Nigeria, or for use only for purpose of teaching, scholarship or research, and not for commercial purpose, and the government of the foreign importing country has agreed to their receipt/distribution <sup>2753</sup>
Grantor of compulsory licence	Commission
Provision	Para. 3, Fourth Schedule
Nature of compulsory licence for reproduction for educational purposes	<u>non-exclusive</u> , compulsory licence, for: * <u>reproduction and publication of a reproduction of a work, in printed or analogous forms of reproduction</u> <sup>2754</sup> <u>in Nigeria</u> <sup>2755</sup> [of a work]  * <u>reproduction in and publication, or translation into a language spoken in Nigeria, of any text incorporated in [audiovisual fixations]</u> <sup>2756</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>2757</sup> no digital dissemination <sup>2758</sup>
Facilities provided in Paris Act, Appendix	

<sup>2750</sup> Para. 2(7)(e), Fourth Schedule.

<sup>2751</sup> Para. 2(4)(a), Fourth Schedule.

<sup>2752</sup> Para. 2(2), Fourth Schedule.

<sup>2753</sup> Para. 2(5), Fourth Schedule.

<sup>2754</sup> Para. 3(1), Fourth Schedule.

<sup>2755</sup> Para. 3(4)(b), Fourth Schedule.

<sup>2756</sup> Para. 3(7), Fourth Schedule.

<sup>2757</sup> Para. 3 ("in printed or analogous forms of reproduction"); S. 6(1)(a), (b) (providing as exclusive rights of copyright the acts to, inter alia, "reproduce", "publish" and "produce"); s. 51 (defining "copy" as "a reproduction in written form, in the form of a recording or cinematograph film, or in any other material form...", and "reproduction" as "the making of one or more copies of a literary, musical or artistic work, cinematograph film or sound recording").

<sup>2758</sup> No references to "communication to the public". See s. 6(1)(a), (b) (providing as exclusive rights of copyright the acts to, inter alia, "distribute to the public", "broadcast or communication to the public ... by a loudspeaker or any other similar device"), s 51 (defining "communication to the public" as including "any mode of visual or acoustic presentation, but does not include a broadcast or re-broadcast").

Type(s) of source work(s)	[works]: <u>literary or artistic work</u> <sup>2759</sup>  <u>[audiovisual fixations]: which have been prepared and published solely for the purpose of systematic instructional activities</u> <sup>2760</sup>
Licence applicant/entity	<u>licence applicant is a "qualified person" (a citizen of Nigeria or an individual domiciled in Nigeria, or a body corporate incorporated under any written law in Nigeria)</u> <sup>2761</sup>
Purpose of licence	<u>systematic instructional activities</u> <sup>2762</sup>
Condition of licence	<u>licence application may be made:</u> works of fiction, poetry, drama, music or art - 7 years from first publication, or works of natural science, physical science, mathematics or technology - 3 years from first publication <sup>2763</sup>  copies of such edition are not made available in Nigeria, or such copies have not been put on sale in Nigeria, for a period of six months, by the owner of the right of reproduction or by any person authorised by him in that behalf to the general public, or in connection with systematic instructional activities at a price reasonably related to that normally charged in Nigeria for comparable works <sup>2764</sup>  licence applicant has requested and been denied authorisation by owner of right of reproduction and publication, or was unable to owner after due diligence, despite sending request to publisher or to any designated national or international information centre <sup>2765</sup>  opportunity to be heard is given, to owner of copyright in the work <sup>2766</sup>  a "further period" of 3/6 months has lapsed from date licence applicant complies with licence requirements <sup>2767</sup>  no licence shall be granted if, during "further period", a reproduction and publication of work

<sup>2759</sup> Para. 3(1), Fourth Schedule.

<sup>2760</sup> Para. 3(7), Fourth Schedule.

<sup>2761</sup> Para. 1, Fourth Schedule.

<sup>2762</sup> Para. 4(1), Fourth Schedule.

<sup>2763</sup> Para. 3(8), Fourth Schedule (defining "relevant period").

<sup>2764</sup> Para. 3(1), Fourth Schedule.

<sup>2765</sup> Para. 3(5)(a)-(c), Fourth Schedule.

<sup>2766</sup> Para. 3(5)(i), Fourth Schedule.

<sup>2767</sup> Para. 3(5)(f), Fourth Schedule.

	<p>has been made by or with authorisation of owner<sup>2768</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>2769</sup></p> <p>if edition for reproduction is a translation, the licence shall only be granted if the translation is in a language spoken in Nigeria and published by owner of the right of translation<sup>2770</sup></p> <p>on all copies of the reproduction are included: the name of author and title of particular edition,<sup>2771</sup> a notice stating that the copy is available for distribution only in Nigeria,<sup>2772</sup></p> <p>Commission to be satisfied that licence applicant is competent to reproduce and publish an accurate reproduction of the work and possesses the means to pay royalties to owner of copyright<sup>2773</sup></p>
Compulsory licence fee(s)	<u>beneficiary of compulsory licence to pay royalties in respect of copies of reproduction sold to the public to owner of copyright in the work, calculated at such rate as the Commission may, in the circumstances of each case, determine in the prescribed manner, consistent with licences freely negotiated between persons in Nigeria and owners of translation rights in the country of the owner of the reproduction right<sup>2774</sup></u>
Price of publication	<u>fixed by Commission, a price reasonably related to that normally charged in Nigeria for works of the same standard on same or similar subjects<sup>2775</sup></u>
Distribution conditions	
Grantor of compulsory licence	Commission

## 9. TPM/RMI Exceptions for Educational Purposes

<sup>2768</sup> Para. 3(5)(f), Fourth Schedule.

<sup>2769</sup> Para. 3(5)(g), Fourth Schedule.

<sup>2770</sup> Para. 3(6), Fourth Schedule.

<sup>2771</sup> Para. 3(5)(g), Fourth Schedule.

<sup>2772</sup> Para. 3(4)(b), Fourth Schedule.

<sup>2773</sup> Para. 3(5)(d), Fourth Schedule.

<sup>2774</sup> Para. 3(4)(a), Fourth Schedule.

<sup>2775</sup> Para. 3(5)(e), Fourth Schedule.

## Niue

### 1. Treaties & Legislation

Treaties:

Berne Convention: September 24, 2016 (Paris Act (1971): September 24, 2016)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

New Zealand Copyright Act 1962 (in force through s 686, New Zealand Niue Act 1966)

### 2. Private/Personal Use

Provision	s 19(1)
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a literary, dramatic, or musical work, other subject-matter (sound recordings, cinematograph films, TV broadcasts, sound broadcasts, published editions) <sup>2776</sup>
Entity exercising private/personal use	
Purpose of private/personal use	research or private study
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("no fair dealing ... shall constitute an infringement of the copyright")
Provision	s 20(1)
Scope of private/personal use	fair dealing
Type(s) of source work(s)	an artistic work
Entity exercising private/personal use	
Purpose of private/personal use	research or private study
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("no fair dealing ... shall constitute an infringement of the copyright")

### 3. Quotations

Provision	s 19(2)
Scope of quotation	fair dealing

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<sup>2776</sup> s 19(5).

Type(s) of source work(s)	a literary, dramatic, or musical work, other subject-matter (sound recordings, cinematograph films, TV broadcasts, sound broadcasts, published editions) <sup>2777</sup>
Entity exercising quotation	
Purpose of quotation	criticism or review, whether of that work or of another work
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	title, author (unless anonymous or not required) <sup>2778</sup>
Subject to Remuneration	not required ("no fair dealing ... shall constitute an infringement of the copyright")

Provision	s 20(2)
Scope of quotation	fair dealing
Type(s) of source work(s)	an artistic work
Entity exercising quotation	
Purpose of quotation	criticism or review, whether of that work or of another work
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	title, author (unless anonymous or not required) <sup>2779</sup>
Subject to Remuneration	not required ("no fair dealing ... shall constitute an infringement of the copyright")

#### 4. Research/Educational Reproduction

Provision	s 21
Scope of research/educational reproduction	making or supplying a copy
Type(s) of source work(s)	a published literary, dramatic, or musical work, or in a published edition of such a work, or in a published artistic work
Entity exercising reproduction	by or on behalf of a teacher at any University or school
Purpose of educational reproduction	purposes of research or private study
Condition of reproduction	copies supplied only to persons satisfying the teacher or a person on his behalf that they require them for purposes of research or private study and will not use them for any other purpose <sup>2780</sup>  person to whom copies are supplied shall not be required to make a payment (including a contribution to the general expenses of the

<sup>2777</sup> s 19(5).

<sup>2778</sup> s 2(1).

<sup>2779</sup> s 2(1).

<sup>2780</sup> s 21(1)(a).

	university, school) more than cost attributable to their production <sup>2781</sup>
Frequency/copies and limits	one copy  except for an artistic work, no copy shall extend to more than a reasonable proportion of the work or edition in question or to more than one article in a periodical publication, unless two or more articles in the same publication relate to the one subject-matter <sup>2782</sup>  no person to be furnished with more than one copy of the same artistic work, same article, or same part of any other work or edition <sup>2783</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... is not infringed")

Provision	s 21(4)(a)
Scope of research/educational reproduction	reproduction or adaptation
Type(s) of source work(s)	a literary, dramatic, musical, or artistic work
Entity exercising reproduction	a teacher or student,
Purpose of educational reproduction	in the course of instruction, whether at a University or school or elsewhere or by correspondence
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... is not infringed")

Provision	s 21(4)(b)
Scope of research/educational reproduction	reproduction or adaptation
Type(s) of source work(s)	a literary, dramatic, musical, or artistic work
Entity exercising reproduction	a teacher or student,
Purpose of educational reproduction	as part of questions to be answered in an examination or in answer to such a question, in the course of instruction, whether at a University or school or elsewhere or by correspondence
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	

<sup>2781</sup> s 21(1)(d).<sup>2782</sup> s 21(1)(b).<sup>2783</sup> s 21(1)(c).



Subject to Remuneration	not required ("copyright ... is not infringed")
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#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 19(6)
Scope of anthologies/compilations limitation/exception	inclusion in a collection
Type(s) of source work(s)	a short passage of a published literary, dramatic, or musical work, or in a published edition of such a work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	collection intended for use in schools
Condition of anthologies/compilations limitation/exception	collection is so described in its title and in any publisher's advertisement  source work/edition was not published for use of schools  collection consists mainly of material in which no copyright subsists or in which copyright is owned by publisher or by the Crown  must not exceed extent defined by legal provisions and bylaws in force
Frequency/copies and limits	not applicable if, in addition to passage in question, 2 or more excerpts from works by same author are contained in that or every similar collection by same publisher within 5 year period <sup>2784</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title, author (unless anonymous or not required) <sup>2785</sup>
Subject to Remuneration	not required ("copyright ... is not infringed")

#### 6. School Performances

Provision	s 13(6)
Scope of school performance	caused to be heard in public
Type(s) of source work(s)	a sound recording
Entity exercising school performance	a club, society, or other organisation which is not established or conducted for profit and whose main objects are charitable or are concerned with the advancement of religion, education, or social welfare

<sup>2784</sup> s 19(6) proviso.

<sup>2785</sup> s 2(1).

Purpose of school performance	as part of the activities of, or for the benefit of [entity]
Condition of school performance	no charge or proceeds of any charge are applied otherwise than for the purposes of the organization
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement of the copyright")

Provision	s 21(5)
Scope of school performance	performance
Type(s) of source work(s)	a literary, dramatic, or musical work
Entity exercising school performance	
Purpose of school performance	in the course of the activities of a University or school by a teacher or student in attendance at the University or school
Condition of school performance	in class, or otherwise in the presence of an audience  audience is limited to persons who are teachers in, or students in attendance at, the University or school, <sup>2786</sup> or otherwise "directly connected" with the activities of the University or school <sup>2787</sup>
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... is not infringed")

Provision	s 21(6)(b)
Scope of school performance	causing to be seen, or seen and heard
Type(s) of source work(s)	a cinematograph film
Entity exercising school performance	
Purpose of school performance	for the purposes of instruction
Condition of school performance	in the course of instruction at a University or school <sup>2788</sup> or elsewhere
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... is not infringed")

<sup>2786</sup> s 21(8) (defining a school as "any primary or post-primary public or other registered school within the meaning of the Education Act 1914; and includes any teachers training college and any other educational institution not conducted for profit and approved by the Minister of Education for the purposes of this section"; a University to including "a University College and a University College of Agriculture").

<sup>2787</sup> s 21(5) proviso (providing that a person shall not be taken to be directly connected with the activities of a University or school by reason only that he is a parent or guardian of a student in attendance at the University or school).

<sup>2788</sup> s 21(8) (defining a school as "any primary or post-primary public or other registered school within the meaning of the Education Act 1914; and includes any teachers training college and any other educational institution not conducted for profit and approved by the Minister of Education for the purposes of this section"; a University to including "a University College and a University College of Agriculture").

7. Educational Broadcasts/Communications/Recordings

Provision	s 21(6)(a)
Scope of broadcast/communication/recording	a whole or part recording embodied in a record
Type(s) of source work(s)	a sound recording, cinematograph film, television broadcast, or sound broadcast
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	made for the purposes of instruction
Condition of broadcast/communication/recording	in the course of instruction at a University or school <sup>2789</sup> or elsewhere
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... is not infringed")

Provision	s 21(6)(c)
Scope of broadcast/communication/recording	making a film or a recording
Type(s) of source work(s)	a television "school broadcast" <sup>2790</sup> or sound school broadcast
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	
Condition of broadcast/communication/recording	in the course of instruction at a University or school <sup>2791</sup> or elsewhere
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... is not infringed")

<sup>2789</sup> s 21(8) (defining a school as "any primary or post-primary public or other registered school within the meaning of the Education Act 1914; and includes any teachers training college and any other educational institution not conducted for profit and approved by the Minister of Education for the purposes of this section"; a University to including "a University College and a University College of Agriculture").

<sup>2790</sup> s 21(8) (defining a school broadcast as "any broadcast made for reception and use in school").

<sup>2791</sup> s 21(8) (defining a school as "any primary or post-primary public or other registered school within the meaning of the Education Act 1914; and includes any teachers training college and any other educational institution not conducted for profit and approved by the Minister of Education for the purposes of this section"; a University to including "a University College and a University College of Agriculture").

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Norway

### 1. Treaties & Legislation

Treaties:

Berne Convention: April 13, 1896 (Paris Act (1971): June 13, 1974)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act (Act No. 2 of May 12, 1961, relating to Copyright in Literary, Scientific and Artistic Works) (consolidated version of 2015)

### 2. Private/Personal Use

Provision	s 12(1)
Scope of private/personal use	copies
Type(s) of source work(s)	a work [that is lawfully available], <sup>2792</sup> (a performance, <sup>2793</sup> database, <sup>2794</sup> photographic picture, <sup>2795</sup> sound fixations and films, <sup>2796</sup> broadcast <sup>2797</sup> )
Entity exercising private/personal use	
Purpose of private/personal use	private use
Condition of private/personal use	no outside assistance to a reproduction for musical works, cinematographic works, sculpture, pictorial weavings and articles of artistic handicraft and applied art, artistic reproduction of other works of art (disabled persons excepted) <sup>2798</sup>  copies cannot be made as the result of circumvention of technological protection measures (unless as part of use of playback devices) <sup>2799</sup>
Frequency/copies and limits	in a single copy  copies may not be used for other purposes
Preclusions (not part of private/personal use)	works of architecture (copying through construction of a building), art (photocopying, taking a cast or impression or by other similar means of reproduction if the copy may be perceived as an original), databases (machine-

<sup>2792</sup> s 12 proviso (providing that "Copies cannot be made pursuant to this paragraph on the basis of a representation of the work in conflict with section 2").

<sup>2793</sup> s 42(5).

<sup>2794</sup> s 43(5).

<sup>2795</sup> s 43a(3).

<sup>2796</sup> s 45(4).

<sup>2797</sup> s 45a(5).

<sup>2798</sup> s 12(3).

<sup>2799</sup> s 12(4) (referring to s 53a(3), second sentence).

	readable copies), computer programs (machine-readable copies)
Subject to Attribution	
Subject to Remuneration	fair compensation through annual grants via State Budget for authors <sup>2800</sup>

### 3. Quotations

Provision	s 22
Scope of quotation	quoted
Type(s) of source work(s)	an issued work
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	in accordance with proper usage and to the extent necessary to achieve the desired purpose
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("may be quoted")

### 4. Research/Educational Reproduction

Provision	s 13a
Scope of research/educational reproduction	copies
Type(s) of source work(s)	a published work
Entity exercising reproduction	
Purpose of educational reproduction	use in a public examination
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	remuneration entitlement for originator of work

Provision	s 13b(1)
Scope of research/educational reproduction	copying
Type(s) of source work(s)	a published work
Entity exercising reproduction	[educational institutions] (optionally through fixation centres approved by the Ministry <sup>2801</sup> )
Purpose of educational reproduction	for use in own educational activities
Condition of reproduction	reproduction made pursuant to extended collective licence (s 36(1)) or a binding agreement made by the commission (s 38(4))

<sup>2800</sup> s 12(1) (providing that this is subject to further regulations governing the distribution of compensation).

<sup>2801</sup> s 13b(2).

	copies made may only be used in educational activities covered by agreement under s 36 <sup>2802</sup>
Frequency/copies and limits	subject to regulations concerning the storage and use of fixations issued by the King <sup>2803</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	remuneration prescribed by extended collective licence (s 36(1)) or a binding agreement (s 38(4)) payable to rightholders
Provision	s 16(1)
Scope of research/educational reproduction	copies
Type(s) of source work(s)	works
Entity exercising reproduction	archives, libraries and museums and educational and research institutions
Purpose of educational reproduction	for conservation and safety purposes and other special purposes
Condition of reproduction	non-commercial use
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	

##### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 18
Scope of anthologies/compilations limitation/exception	reproducing, in a collective work consisting of works by a large number of authors
Type(s) of source work(s)	minor parts of literary or scientific works or musical works or short works of this kind, including works of art and photographic works
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	intended for use in religious services or in education
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	5 years elapsed since expiry of year in which particular work was published/issued
Preclusions (not part of anthologies/compilations limitation/exception)	work created for use in education in a collective work compiled for the same purpose  right to reproduction in machine-readable media
Subject to Attribution	
Subject to Remuneration	remuneration for author
Provision	s 23(1)

<sup>2802</sup> s 13b(3).

<sup>2803</sup> s 13b(4).

Scope of anthologies/compilations limitation/exception	reproduction, with text of a critical or scientific treatise which is not of a generally informative character
Type(s) of source work(s)	issued works of art and issued photographic works
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	
Condition of anthologies/compilations limitation/exception	in accordance with proper usage and to the extent necessary to achieve the desired purpose
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	right to reproduction in machine-readable media, unless non-commercial reproduction
Subject to Attribution	
Subject to Remuneration	not required ("may be reproduced")

Provision	s 23(2)
Scope of anthologies/compilations limitation/exception	reproduction, in critical or scientific treatises of a generally informative character and in connection with the text in works intended for instructional use
Type(s) of source work(s)	an issued photographic work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	
Condition of anthologies/compilations limitation/exception	in accordance with proper usage and to the extent necessary to achieve the desired purpose
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	right to reproduction in machine-readable media
Subject to Attribution	
Subject to Remuneration	payment of remuneration

## 6. School Performances

Provision	s 21(1)
Scope of school performance	public performance
Type(s) of source work(s)	a published work; a transferred copy of a work of art or a photographic work, or issuance of such a work
Entity exercising school performance	
Purpose of school performance	in an educational context
Condition of school performance	
Preclusions (not part of school performance)	



Subject to Attribution	
Subject to Remuneration	not required ("may be performed publicly")

Provision	s 21(2)(a)
Scope of school performance	public performance
Type(s) of source work(s)	a published work; a transferred copy of a work of art or a photographic work, or issuance of such a work
Entity exercising school performance	
Purpose of school performance	at events where the performance of literary, scientific or artistic works is not the primary feature
Condition of school performance	audience is admitted free of charge event is not even indirectly organized for purposes of gain
Preclusions (not part of school performance)	cinematographic works, stage performance of stage works, public performance of databases, performance of a work in a broadcast, transmission by wire or wireless means to the public, organized concerts <sup>2804</sup>
Subject to Attribution	
Subject to Remuneration	not required ("may also be performed publicly")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 13
Scope of broadcast/communication/recording	fixations
Type(s) of source work(s)	performances by teachers and pupils of works
Entity exercising broadcast/communication/recording	teachers and pupils
Purpose of broadcast/communication/recording	educational use
Condition of broadcast/communication/recording	such fixations shall not be used for other purposes
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("may make fixations")

Provision	s 13
Scope of broadcast/communication/recording	fixations
Type(s) of source work(s)	broadcasts
Entity exercising broadcast/communication/recording	schools and other educational institutions

<sup>2804</sup> s 21(3).

Purpose of broadcast/communication/recording	time-deferred use
Condition of broadcast/communication/recording	as decided by the King
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("free of charge")

Provision	s 13b
Scope of broadcast/communication/recording	fixations
Type(s) of source work(s)	broadcasts (but not broadcast consisting of a cinematographic work which must be perceived as also intended for uses other than presentation via television, unless only minor parts of the work are used in the broadcast)
Entity exercising broadcast/communication/recording	[educational institutions] (optionally through fixation centres approved by the Ministry)
Purpose of broadcast/communication/recording	for use in educational activities
Condition of broadcast/communication/recording	fixation made pursuant to extended collective licence (s 36(1)) or a binding agreement made by the commission (s 38(4))  copies made may only be used in educational activities covered by agreement under s 36  subject to regulations concerning the storage and use of fixations
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	remuneration prescribed by extended collective licence (s 36(1)) or a binding agreement (s 38(4)) payable to rightholders

Provision	s 16(2)
Scope of broadcast/communication/recording	making available to individuals
Type(s) of source work(s)	works in collections
Entity exercising broadcast/communication/recording	archives, libraries, museums and educational institutions
Purpose of broadcast/communication/recording	for purpose of research or private study
Condition of broadcast/communication/recording	subject to regulations issued by the King

Frequency/limits of broadcast/communication/recording	using terminals on premises of entity
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	s 53a(3)
Scope of TPM/RMI restriction	circumvention of effective technological protection measures
Type(s) of source work(s)	a protected work
Beneficiary exercising restriction	
Purpose of restriction	research into cryptology
Condition of restriction	

Provision	s 53a(4)
Scope of TPM/RMI restriction	circumvention of effective technological protection measures
Type(s) of source work(s)	works
Beneficiary exercising restriction	archives, libraries and museums and educational and research institutions
Purpose of restriction	for conservation and safety purposes and other special purposes pursuant to s 16
Condition of restriction	non-commercial use

Provision	s 53b(1)
Scope of TPM/RMI restriction	ordering rightholder who used effective technological protection measures in respect of his protected work, by Board to ensure "beneficiaries" can use the work; by providing such information that is necessary to enable work to be so used, failing which Board can entitle beneficiary to circumvent applied technological measures
Type(s) of source work(s)	work, excluding computer programs <sup>2805</sup> and protected works by transmission made available to the public in such a way that the individual can choose the time and place of access to the work <sup>2806</sup>
Beneficiary exercising restriction	"beneficiaries": users who use work for, <i>inter alia</i> , public examinations (s 13a), for conservation and safety purposes (s 16(1)), research or private study for individuals (s 16(2)), school performances (s 21)

<sup>2805</sup> s 53b(4).<sup>2806</sup> s 53b(3) per EU Copyright Directive 2001/29, Art. 6(4).

Purpose of restriction	to the extent necessary and to have legal access to the protected work or subject-matter
Condition of restriction	

## Oman

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 14, 1999 (Paris Act (1971): July 14, 1999)

WIPO Copyright Treaty: September 20, 2005

WIPO Performances and Phonograms Treaty: September 20, 2005

Legislation:

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

### 2. Private/Personal Use

Provision	Art. 20.2
Scope of private/personal use	use
Type(s) of source work(s)	a work
Entity exercising private/personal use	
Purpose of private/personal use	in meetings within family
Condition of private/personal use	within limits justified by such goal  done with no direct or indirect compensation
Frequency/copies and limits	
Preclusions (not part of private/personal use)	free use disallowed "if the use conflicts with the normal exploitation of the work, performance, or phonogram or unreasonably prejudices the legitimate interests of the author, performer, or producer of phonograms" <sup>2807</sup>
Subject to Attribution	source, author (if in source) <sup>2808</sup>
Subject to Remuneration	not required ("following uses of works shall be lawful ... a free use")

### 3. Quotations

Provision	Art. 20.1
Scope of quotation	quoting paragraphs, in another work
Type(s) of source work(s)	a protected work lawfully made available to the public
Entity exercising quotation	
Purpose of quotation	for clarification, explanation, or criticism purposes
Condition of quotation	quotation to the extent of the desired purpose and justified by such goal
Preclusions (not part of quotation)	free use disallowed "if the use conflicts with the normal exploitation of the work, performance, or phonogram or unreasonably prejudices the

<sup>2807</sup> Art. 20 proviso.

<sup>2808</sup> Art. 20 proviso.

	legitimate interests of the author, performer, or producer of phonograms" <sup>2809</sup>
Subject to Attribution	source, author (if in source) <sup>2810</sup>
Subject to Remuneration	not required ("following uses of works shall be lawful ... a free use")

#### 4. Research/Educational Reproduction

Provision	Art. 20.2
Scope of research/educational reproduction	use
Type(s) of source work(s)	a work
Entity exercising reproduction	
Purpose of educational reproduction	through an educational institution for clarification during face-to-face educational or teaching purposes
Condition of reproduction	done with no direct or indirect compensation
Frequency/copies and limits	within limits justified by such goal
Preclusions (not part of research/educational reproduction)	free use disallowed "if the use conflicts with the normal exploitation of the work, performance, or phonogram or unreasonably prejudices the legitimate interests of the author, performer, or producer of phonograms" <sup>2811</sup>
Subject to Attribution	source, author (if in source) <sup>2812</sup>
Subject to Remuneration	not required ("following uses of works shall be lawful ... a free use")

Provision	Art. 20.3(a)
Scope of research/educational reproduction	reproduction, by reprographic means
Type(s) of source work(s)	protected works: a published article or short work
Entity exercising reproduction	public libraries, non-commercial documentation centers, educational establishments and scientific and cultural institutions,
Purpose of educational reproduction	meet the need of a natural person for use in a study or research
Condition of reproduction	a single copy  without the purpose of direct or indirect financial gain
Frequency/copies and limits	to the extent justified by the purpose and  reproduction shall be for one time, or at varying intervals

<sup>2809</sup> Art. 20 proviso.

<sup>2810</sup> Art. 20 proviso.

<sup>2811</sup> Art. 20 proviso.

<sup>2812</sup> Art. 20 proviso.

	repeated reproduction (on separate and unrelated occasions), only where there is no collective license available under which such reproduction can be made
Preclusions (not part of research/educational reproduction)	free use disallowed "if the use conflicts with the normal exploitation of the work, performance, or phonogram or unreasonably prejudices the legitimate interests of the author, performer, or producer of phonograms" <sup>2813</sup>
Subject to Attribution	source, author (if in source) <sup>2814</sup>
Subject to Remuneration	not required ("following uses of works shall be lawful ... a free use")

5. Educational Publications/Anthologies/Compilations/Composite Works

6. School Performances

Provision	Art. 20.6(b)
Scope of school performance	public performance
Type(s) of source work(s)	a dramatic, musical or dramatic musical, choreographic, pantomime works or any other work, created for dramatic performance
Entity exercising school performance	
Purpose of school performance	face-to-face learning activities
Condition of school performance	in approved non-profit educational institutions, in classrooms or similar places dedicated to education  performance not for direct or indirect financial gain
Preclusions (not part of school performance)	free use disallowed "if the use conflicts with the normal exploitation of the work, performance, or phonogram or unreasonably prejudices the legitimate interests of the author, performer, or producer of phonograms" <sup>2815</sup>
Subject to Attribution	source, author (if in source) <sup>2816</sup>
Subject to Remuneration	not required ("following uses of works shall be lawful ... a free use")

7. Educational Broadcasts/Communications/Recordings

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

<sup>2813</sup> Art. 20 proviso.

<sup>2814</sup> Art. 20 proviso.

<sup>2815</sup> Art. 20 proviso.

<sup>2816</sup> Art. 20 proviso.

## Pakistan

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 5, 1948 (Stockholm Act (1967): January 29, 1970)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

The Copyright Ordinance, 1962 (Act No. XXXIV) (as amended by Copyright (Amendment) Ordinance, 2000 dated 29 September 2000), (incorporating the Copyright (Amendment) Act 1992)

### 2. Private/Personal Use

Provision	s 57(1)(a)(i)
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a literary, dramatic, musical or artistic work (or translation) <sup>2817</sup>
Entity exercising private/personal use	
Purpose of private/personal use	research or private study
Condition of private/personal use	
Frequency/copies and limits	deemed fair dealing with such work: <ul style="list-style-type: none"> <li>• literary or dramatic work in prose: a single extract up to four hundred words, or a series of extracts (with comments interposed) up to a total of eight hundred words with no one extract exceeding three hundred words</li> <li>• a literary or dramatic work in poetry: an extract or extracts up to a total of forty lines and in no case exceeding one-fourth of the whole of any poem<sup>2818</sup></li> </ul>
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

Provision	s 57(1)(p)
Scope of private/personal use	reproduction
Type(s) of source work(s)	an unpublished literary, dramatic or musical work (or translation) <sup>2819</sup>
Entity exercising private/personal use	
Purpose of private/personal use	research or private study or with a view to publication

<sup>2817</sup> S 57(2).

<sup>2818</sup> s 57(1) explanation (i), (ii).

<sup>2819</sup> S 57(2).



Condition of private/personal use	work kept in a library, museum or other institution to which the public has access  (if identity of author/any of the authors is known) reproduction can only be made more than 50 years from death of author/author whose identity is known/author who dies last
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

### 3. Quotations

Provision	s 57(1)(a)(ii)
Scope of quotation	fair dealing, whether of that work or of any other work,
Type(s) of source work(s)	a literary, dramatic, musical or artistic work (or translation) <sup>2820</sup>
Entity exercising quotation	
Purpose of quotation	criticism or review
Condition of quotation	deemed fair dealing with such work: <ul style="list-style-type: none"> <li>• literary or dramatic work in prose: a single extract up to four hundred words, or a series of extracts (with comments interposed) up to a total of eight hundred words with no one extract exceeding three hundred words</li> <li>• a literary or dramatic work in poetry: an extract or extracts up to a total of forty lines and in no case exceeding one-fourth of the whole of any poem</li> </ul> unless review is of a newly published work, whereupon reasonably longer extracts may be deemed fair dealing with such a work <sup>2821</sup>
Preclusions (not part of quotation)	
Subject to Attribution	title (or other description), author (unless anonymous or author agreed that no acknowledgement be made) <sup>2822</sup>
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

### 4. Research/Educational Reproduction

Provision	s 57(1)(h)
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<sup>2820</sup> S 57(2).

<sup>2821</sup> S 57(1) explanation.

<sup>2822</sup> S 57(1) proviso.

Scope of research/educational reproduction	reproduction or adaptation
Type(s) of source work(s)	a literary, dramatic, musical or artistic work (or translation) <sup>2823</sup>
Entity exercising reproduction	a teacher or a pupil
Purpose of educational reproduction	
Condition of reproduction	in the course and for the sole purpose of instruction, whether at an educational institution or elsewhere  reproduction or adaptation otherwise than by the use of a printing process
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

Provision	s 57(1)(h)(i), (ii)
Scope of research/educational reproduction	reproduction or adaptation
Type(s) of source work(s)	a literary, dramatic, musical or artistic work (or translation) <sup>2824</sup>
Entity exercising reproduction	
Purpose of educational reproduction	as part of the questions to be answered in an examination, or in answers to such questions
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 57(1)(g)
Scope of anthologies/compilations limitation/exception	publication, in a collection
Type(s) of source work(s)	short passages from published literary or dramatic works (or translation) <sup>2825</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	bona fide intended for the use of educational institutions
Condition of anthologies/compilations limitation/exception	collection is so described in its title and in any publisher's advertisement

<sup>2823</sup> S 57(2).

<sup>2824</sup> S 57(2).

<sup>2825</sup> S 57(2).

	collection mainly composed of non-copyright matter
	works not themselves published for use in educational institutions
Frequency/copies and limits	no more than 2 excerpts from works by same author by same publisher within 5 year period <sup>2826</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

## 6. School Performances

Provision	s 57(1)(i)
Scope of school performance	performance
Type(s) of source work(s)	a literary, dramatic or musical work, or a cinematographic work or a record (or translation) <sup>2827</sup>
Entity exercising school performance	(performance a literary, dramatic or musical work by) staff and students of the institution
Purpose of school performance	course of the activities of an educational institution
Condition of school performance	audience is limited to such staff and students, the parents and guardians of the students and persons directly connected with the activities of the institution
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

Provision	s 57(1)(l)
Scope of school performance	performance
Type(s) of source work(s)	a literary, dramatic or musical work (or translation) <sup>2828</sup>
Entity exercising school performance	an amateur club or society
Purpose of school performance	
Condition of school performance	non-paying audience, or for the benefit of a religious, charitable or educational institution
Preclusions (not part of school performance)	
Subject to Attribution	

<sup>2826</sup> S 57(1)(g) (proviso, explanation).

<sup>2827</sup> S 57(2).

<sup>2828</sup> S 57(2).

Subject to Remuneration	not required ("shall not constitute an infringement of copyright")
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7. Educational Broadcasts/Communications/Recordings8. Compulsory Licences for Educational Reproductions and Translations

Provision	s 37
Nature of compulsory licence for translation for educational purposes	non-exclusive, non-transferable <sup>2829</sup> compulsory licence, for production and publication of a translation in any Pakistani language or a language ordinarily used in Pakistan not being English, French or Spanish
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>2830</sup> no digital dissemination <sup>2831</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration lapsed after Jul 30, 1979
Type(s) of source work(s)	a literary or dramatic work
Licence applicant/entity	licence applicant is a citizen of Pakistan or domiciled in Pakistan <sup>2832</sup>
Purpose of licence	
Condition of licence	work has not been previously translated into the language in the licence application and published by the copyright owner within 1 year of first publication, or if translation has been so published, it is out of print <sup>2833</sup>  licence applicant has requested and been denied authorisation by copyright owner, or was unable to find owner after due diligence, and more than 2 months had lapsed <sup>2834</sup>  where practicable, an opportunity of copyright owner to be heard before a licence can be granted <sup>2835</sup>

<sup>2829</sup> S 37(4).<sup>2830</sup> S 4 (defining "publication" to mean the issue of copies of the work in to the public in sufficient quantities); s 2(ha) (defining "copy" as including "any material object in which a work is fixed by any method and from which the work can be perceived, reproduced or otherwise communicated, either directly or with the aid of a machine or device"); s 2(zd) (defining "reproduction" as including "a reproduction in the form of a record or of a cinematographic work,"); s 2(zb) (defining "record" as "any disc, tape, wire, perforated roll or other device in which sounds are embodied so as to be capable of being reproduced therefrom, other than a sound track associated with a cinematographic work").<sup>2831</sup> S 3 defines as separate exclusive rights, inter alia, the rights of reproduction, publication, "broadcast the work or to communicate the broadcast of the work to the public by a loudspeaker or any other similar instrument"). Broadcast and "communication to the public" are not referred to in s 37.<sup>2832</sup> S 37(1).<sup>2833</sup> S 37(4)(a).<sup>2834</sup> S 37(4)(b)-(c).<sup>2835</sup> S 37(4)(f)

	<p>licence applicant is competent to produce and publish a correct translation and possess the means to pay the copyright royalties due<sup>2836</sup></p> <p>Copyright Board to be satisfied that grant of licence will be in the public interest<sup>2837</sup></p>
Compulsory licence fee(s)	licence applicant to pay copyright owner royalties payable, in respect of copies of translation sold to the public, calculated at such rate as the Copyright Board may determine <sup>2838</sup>
Price of publication	licence application shall state the proposed retail price of a copy of the translation <sup>2839</sup>
Distribution conditions	
Grantor of compulsory licence	Copyright Board directing Registrar of Copyrights

9. TPM/RMI Exceptions for Educational Purposes

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<sup>2836</sup> S 37(4)(d).

<sup>2837</sup> S 37(4)(g).

<sup>2838</sup> S 37(4).

<sup>2839</sup> S 37(2).

## Panama

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 8, 1996 (Paris Act (1971): June 8, 1996)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

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

### 2. Private/Personal Use

Provision	Art. 67.1
Scope of private/personal use	communication
Type(s) of source work(s)	
Entity exercising private/personal use	
Purpose of private/personal use	in the domestic environment
Condition of private/personal use	no intention to profit, directly or indirectly
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("does not require payment of remuneration")
Provision	Art. 68.1
Scope of private/personal use	reproduction in the form of sound or audiovisual recording
Type(s) of source work(s)	original or a copy of work. legitimately filed
Entity exercising private/personal use	
Purpose of private/personal use	personal and exclusive use of the user
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	any other use or reproduction of the aforesaid reproduction is illicit
Subject to Attribution	
Subject to Remuneration	not required ("permissible without authorization")
Provision	Art. 68.2
Scope of private/personal use	photographic reproduction
Type(s) of source work(s)	a legitimate copy of work, legitimately filed
Entity exercising private/personal use	
Purpose of private/personal use	exclusive personal use
Condition of private/personal use	
Frequency/copies and limits	limited to small parts of a protected work or to depleted works
Preclusions (not part of private/personal use)	any other use or reproduction of the aforesaid reproduction is illicit
Subject to Attribution	

Subject to Remuneration	not required ("permissible without authorization")
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3. Quotations

Provision	Art. 70
Scope of quotation	quotations
Type(s) of source work(s)	lawfully published works
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotations are compatible with fair practice quotation extent is justified by desired purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

4. Research/Educational Reproduction

Provision	Art. 69.1
Scope of research/educational reproduction	reproduction by reprographic means
Type(s) of source work(s)	articles or short extracts of brief works that have been lawfully disclosed
Entity exercising reproduction	
Purpose of educational reproduction	exclusively for teaching or for the holding of examinations into educational institutions
Condition of reproduction	not for direct or indirect profit purposes use is justified by the desired objective, and on condition that such use is made in accordance with fair practice
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without the authorization of the author")

Provision	Art. 67.4
Scope of research/educational reproduction	[activities carried out]
Type(s) of source work(s)	works in the permanent collection of the institution, excluding software licensed for use in computer systems
Entity exercising reproduction	in a research institution
Purpose of educational reproduction	only for research purposes
Condition of reproduction	without any profit
Frequency/copies and limits	carried via a closed or internal network, or on dedicated terminals at the headquarters of the research institution,

Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("does not require payment of remuneration")

5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances

Provision	Art. 67.3
Scope of school performance	showing
Type(s) of source work(s)	[a work]
Entity exercising school performance	an educational institution, by the staff and students of such institution
Purpose of school performance	in the course of activities of an educational institution with exclusively educational purposes
Condition of school performance	no entry fees collected  no purpose of profiting, directly or indirectly  audience to be exclusively composed of the staff, students of the institutions or their parents, representatives or tutors, or other people directly linked with the activities of the institution
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("does not require payment of remuneration")

Provision	Art. 67.4
Scope of school performance	performance
Type(s) of source work(s)	
Entity exercising school performance	in a research institution
Purpose of school performance	only for research purposes
Condition of school performance	without any profit  if carried via a closed or internal network, or on dedicated terminals at the headquarters of the research institution, works to be in the permanent collection of the institution
Preclusions (not part of school performance)	software
Subject to Attribution	
Subject to Remuneration	not required ("does not require payment of remuneration")

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 67.4
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Scope of broadcast/communication/recording	[communication activities carried out]
Type(s) of source work(s)	works in the permanent collection of the institution, excluding software licensed for use in computer systems
Entity exercising broadcast/communication/recording	in a research institution
Purpose of broadcast/communication/recording	only for research purposes
Condition of broadcast/communication/recording	without any profit
Frequency/limits of broadcast/communication/recording	via a closed or internal network, or on dedicated terminals at the headquarters of the research institution
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("does not require payment of remuneration")

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 145.1
Scope of TPM/RMI restriction	conducting research activities on
Type(s) of source work(s)	a lawfully obtained copy, performance or phonogram
Beneficiary exercising restriction	an appropriately qualified researcher
Purpose of restriction	to the extent necessary for the sole purpose of identifying and analyzing flaws and vulnerabilities of technologies for encoding and decoding information
Condition of restriction	carried out in good faith  researcher has made a good faith effort to obtain authorization for such activities
Provision	Art. 145.3
Scope of TPM/RMI restriction	non-infringing reverse engineering activities, involving the circumvention of effective technological measures, carried out
Type(s) of source work(s)	a lawfully obtained copy of a computer program
Beneficiary exercising restriction	person involved in reverse engineering
Purpose of restriction	sole purpose of achieving interoperability of an independently created computer program with other programs
Condition of restriction	carried out in good faith on particular elements of computer program that were not readily available to beneficiary
Provision	Art. 146.1
Scope of TPM/RMI restriction	access to

Type(s) of source work(s)	a work, performance, or phonogram, not otherwise available to it because of technological measures
Beneficiary exercising restriction	a nonprofit library, archive, or educational institution
Purpose of restriction	for the sole purpose of making acquisition decisions
Condition of restriction	

## Papua New Guinea

### 1. Treaties & Legislation

Treaties:

Berne Convention: not a party

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright and Neighbouring Rights Act 2000

### 2. Private/Personal Use

Provision	s 8
Scope of private/personal use	private reproduction
Type(s) of source work(s)	a published work, (a performance, recording or broadcast) <sup>2840</sup>
Entity exercising private/personal use	a person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture in the form of building or other construction, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a digital database, computer program <sup>2841</sup> , any work where "reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or other owner of copyright" <sup>2842</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without the authorisation of the author or owner")

### 3. Quotations

Provision	s 10
Scope of quotation	reproduction
Type(s) of source work(s)	a short part of a published work, (a performance, recording or broadcast) <sup>2843</sup>
Entity exercising quotation	
Purpose of quotation	in the form of quotation
Condition of quotation	reproduction is compatible with fair practice

<sup>2840</sup> S 25(d) (applying the limitations and exceptions in Part II to neighbouring rights).

<sup>2841</sup> S 14 (excepting use of the computer program and for backup/archival purposes). s 8 erroneously refers to this provision as s 13.

<sup>2842</sup> S 8(2)(e).

<sup>2843</sup> S 25(d) (applying the limitations and exceptions in Part II to neighbouring rights).

	reproduction does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without authorisation of the author or other owner")

#### 4. Research/Educational Reproduction

Provision	s 11(1)(a)
Scope of research/educational reproduction	reproduction, by way of illustration, in sound or visual recordings
Type(s) of source work(s)	a short part of a published work
Entity exercising reproduction	
Purpose of educational reproduction	teaching purposes
Condition of reproduction	reproduction is compatible with fair practice
Frequency/copies and limits	does not exceed the extent justified by the purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (on all copies if practicable) <sup>2844</sup>
Subject to Remuneration	not required ("without authorisation of the author or other owner")
Provision	s 11(1)(b)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	published articles, short works or short extracts of works
Entity exercising reproduction	
Purpose of educational reproduction	face-to-face teaching in educational institutions
Condition of reproduction	activities of which do not serve direct or indirect commercial gain
Frequency/copies and limits	reproduction to the extent justified by the purposes  reproduction is isolated; if repeated, each occurrence should be on separate and unrelated occasions  no licence or other copyright available under which approval for reproduction can be made
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (on all copies if practicable) <sup>2845</sup>
Subject to Remuneration	not required ("without authorisation of the author or other owner of copyright")

Provision	s 12(a)
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<sup>2844</sup> S 11(2).

<sup>2845</sup> S 11(2).

Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	a published article, other short work or short extract of a work
Entity exercising reproduction	a "public institution" <sup>2846</sup> whose activities does not serve direct or indirect commercial gain
Purpose of educational reproduction	satisfy the request of a person for purposes of study, scholarship or private research, which the public institution must be satisfied <sup>2847</sup>
Condition of reproduction	no licence or other authority available under which approval for such copies can be made <sup>2848</sup>
Frequency/copies and limits	act of reproduction is an isolated one; if repeated, on separate and unrelated occasions <sup>2849</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without the authorisation of the author or other owner")

Provision	s 25(b)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a performance, recording or broadcast
Entity exercising reproduction	
Purpose of educational reproduction	solely for scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

Provision	s 25(c)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a performance, recording or broadcast, except for performances and phonograms which have been published as teaching or instructional materials
Entity exercising reproduction	
Purpose of educational reproduction	face-to-face teaching activities
Condition of reproduction	
Frequency/copies and limits	

<sup>2846</sup> S 2 (defining a "public institution" as *including* a public library or archive, which means that an educational institution may be a public institution).

<sup>2847</sup> S 12(a)(i).

<sup>2848</sup> S 12(a)(iii).

<sup>2849</sup> S 12(a)(ii).

Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 11(1)(a)
Scope of anthologies/compilations limitation/exception	reproduction, by way of illustration, in writings
Type(s) of source work(s)	a short part of a published work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	teaching purposes
Condition of anthologies/compilations limitation/exception	reproduction is compatible with fair practice
Frequency/copies and limits	reproduction does not exceed the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (on all copies if practicable) <sup>2850</sup>
Subject to Remuneration	not required ("without authorisation of the author or other owner")

6. School Performances7. Educational Broadcasts/Communications/Recordings8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes


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<sup>2850</sup> S 11(2).

## Paraguay

### 1. Treaties & Legislation

Treaties:

Berne Convention: January 2, 1992 (Paris Act (1971): January 2, 1992)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

Law No. 1328/1998 on Copyright and Related Rights

### 2. Private/Personal Use

Provision	Art. 34
Scope of private/personal use	reproduction (or other form of use) by means of non-typographical technical apparatus
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast, recording of moving images that is not an audiovisual work, photograph that does not qualify as a work) <sup>2851</sup>
Entity exercising private/personal use	an individual
Purpose of private/personal use	exclusively for personal use (an individual's own use, in cases such as research and personal entertainment) <sup>2852</sup>
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	reproduction of works in graphic form, videograms, phonograms, sound or audiovisual recording: compensatory remuneration, payable for equipment, apparatus and materials used for making the reproduction, payable to CMOs for distribution to owners of works, phonogram/videogram producers <sup>2853</sup>

Provision	Art. 38(1)
Scope of private/personal use	communication
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast, recording of moving images that is not an audiovisual work, photograph that does not qualify as a work) <sup>2854</sup>
Entity exercising private/personal use	
Purpose of private/personal use	exclusively domestic environment

<sup>2851</sup> Art. 120.2.

<sup>2852</sup> Art. 2(46) (defining "personal use").

<sup>2853</sup> Arts. 34-37, 44

<sup>2854</sup> Art. 120.2.

Condition of private/personal use	no direct or indirect profit-making purpose
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("without ... payment of any remuneration")

### 3. Quotations

Provision	Art. 40
Scope of quotation	quotations
Type(s) of source work(s)	a lawfully disclosed work, (a performance, phonogram, broadcast, recording of moving images that is not an audiovisual work, photograph that does not qualify as a work) <sup>2855</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotations are made in accordance with proper practice  to the extent justified by the aim pursued
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without ... payment of any remuneration")

### 4. Research/Educational Reproduction

Provision	Art. 38(3)
Scope of research/educational reproduction	copying
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast, recording of moving images that is not an audiovisual work, photograph that does not qualify as a work) <sup>2856</sup>
Entity exercising reproduction	
Purpose of educational reproduction	solely for teaching purposes by teaching staff at educational establishments
Condition of reproduction	
Frequency/copies and limits	single, personal copies
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without ... payment of any remuneration")

Provision	Art. 39(1)
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<sup>2855</sup> Art. 120.2.

<sup>2856</sup> Art. 120.2.



Scope of research/educational reproduction	reproduction by reprographic means
Type(s) of source work(s)	articles or short extracts from lawfully published works
Entity exercising reproduction	
Purpose of educational reproduction	teaching or the holding of examinations at educational establishments
Condition of reproduction	no gainful intent  use is in keeping with proper practice
Frequency/copies and limits	only to the extent justified by the objective pursued
Preclusions (not part of research/educational reproduction)	reproduction allowed insofar as it "does not conflict with a normal exploitation of the work or does not unreasonably prejudice the legitimate interests of the author" <sup>2857</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without ... payment of remuneration")

5. Educational Publications/Anthologies/Compilations/Composite Works
6. School Performances
7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

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<sup>2857</sup> Art. 39(1) proviso.

## Peru

### 1. Treaties & Legislation

Treaties:

Berne Convention: August 20, 1988 (Paris Act (1971): August 20, 1988)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: July 18, 2002

Legislation:

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

Law No. 30276 of November 13, 2014, amending the Copyright Law (Legislative Decree No. 822 of April 23, 1996)

### 2. Private/Personal Use

Provision	Art. 41(a)
Scope of private/personal use	communication
Type(s) of source work(s)	a work, (a performance, a phonogram, a broadcast) <sup>2858</sup>
Entity exercising private/personal use	
Purpose of private/personal use	exclusively domestic environment
Condition of private/personal use	no direct or indirect economic interest  communication is not deliberately relayed outside by any means, either in its entirety or in part
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("without ... payment of any remuneration")

Provision	Art. 43(b)
Scope of private/personal use	reprographic reproduction
Type(s) of source work(s)	short fragments or of works, (performances, phonograms, broadcasts) <sup>2859</sup> lawfully disclosed and published in graphic form that are out of print
Entity exercising private/personal use	
Purpose of private/personal use	exclusively personal use
Condition of private/personal use	
Frequency/copies and limits	

<sup>2858</sup> Art. 129 (applying exceptions and limitations mutatis mutandis to neighbouring rights).

<sup>2859</sup> Art. 129 (applying exceptions and limitations mutatis mutandis to neighbouring rights).

Preclusions (not part of private/personal use)	“any use of works that competes with the author’s exclusive right to exploit his work shall be equivalent to unlawful use” <sup>2860</sup>
Subject to Attribution	
Subject to Remuneration	not required ("permitted without the author's consent")

Provision	Art. 48
Scope of private/personal use	copies
Type(s) of source work(s)	works, performances, productions published as sound or audiovisual recordings
Entity exercising private/personal use	
Purpose of private/personal use	exclusively personal use of works
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture, reproduction of whole of book or musical notation or original or copy of 3-D work made and signed by author, a database or compilation
Subject to Attribution	
Subject to Remuneration	

### 3. Quotations

Provision	Art. 44
Scope of quotation	quotations
Type(s) of source work(s)	lawfully disclosed works, (performances, phonograms, broadcasts) <sup>2861</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotations are made in accordance with proper practice  quotations only to the extent justified by the aim pursued
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required

### 4. Research/Educational Reproduction

Provision	Art. 42
Scope of research/educational reproduction	annotation
Type(s) of source work(s)	public or private lectures by lecturers of universities, higher institutes of learning and colleges
Entity exercising reproduction	those to whom lectures are addressed

<sup>2860</sup> Art. 43 proviso.

<sup>2861</sup> Art. 129 (applying exceptions and limitations mutatis mutandis to neighbouring rights).

Purpose of educational reproduction	
Condition of reproduction	no person may disclose them or reproduce them in either a complete or a partial collection without the prior written consent of the authors
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	

Provision	Art. 43(a)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	articles or brief extracts from lawfully published works
Entity exercising reproduction	
Purpose of educational reproduction	teaching or the holding of examinations at educational institutions
Condition of reproduction	no gainful intent  use made of them is consistent with proper practice  use involves no sale or other transaction for consideration  use has no direct or indirect profit-making purpose
Frequency/copies and limits	to the extent justified by the aim pursued
Preclusions (not part of research/educational reproduction)	"any use of works that competes with the author's exclusive right to exploit his work shall be equivalent to unlawful use" <sup>2862</sup>
Subject to Attribution	
Subject to Remuneration	not required ("permitted without the author's consent")

## 5. Educational Publications/Anthologies/Compilations/Composite Works

## 6. School Performances

Provision	Art. 41(c)
Scope of school performance	communication <sup>2863</sup>

<sup>2862</sup> Art. 43 proviso.

<sup>2863</sup> Art. 2(5) (defining communication to the public as "any act whereby one or more persons, either gathered together in one place or not, are afforded access to the work without the prior distribution of copies to each one of them, by any analog or digital means or process that is or may yet become known for the purpose of disseminating signs, words, sounds or images; the entire process necessary to make the work accessible to the public constitutes communication"); and Art. 33 (defining "communication to the public" as including stage performance, recitals, public presentations and renderings of dramatic, dramatico-musical, literary and musical works by any means or process, whether with the live participation of the performers or received or generated by mechanical, etc., or processes or produced from a sound or audiovisual recording or from a digital representation

Type(s) of source work(s)	a work, (a performance, a phonogram, a broadcast) <sup>2864</sup>
Entity exercising school performance	staff and students of educational institution
Purpose of school performance	exclusively educational purpose, in the course of the activities of a teaching institution
Condition of school performance	communication pursues no direct or indirect profit-making purpose  audience is composed solely of the staff and students of the institution or parents or teachers of students and other persons directly associated with the institution's activities
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("without ... payment of any remuneration")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 41(c)
Scope of broadcast/communication/recording	communication <sup>2865</sup>
Type(s) of source work(s)	a work, (a performance, a phonogram, a broadcast) <sup>2866</sup>
Entity exercising broadcast/communication/recording	staff and students of educational institution
Purpose of broadcast/communication/recording	exclusively educational purpose, being <i>performed</i> in the course of the activities of a teaching institution
Condition of broadcast/communication/recording	communication pursues no direct or indirect profit-making purpose
Frequency/limits of broadcast/communication/recording	audience is composed solely of the staff and students of the institution or parents or teachers of students and other persons directly associated with the institution's activities
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("without ... payment of any remuneration")

or other source, public projection or showing of cinematographic and other audiovisual works, analog or digital transmission of any works by broadcasting or another means of wireless dissemination etc., whether or not simultaneously and whether or not against subscription or payment, public access to computer databases by means of telecommunication or any other means or process in so far as they incorporate or constitute protected works, and "in general, dissemination of signs, words, sounds or images by any means or process that is or may yet become known").

<sup>2864</sup> Art. 129 (applying exceptions and limitations mutatis mutandis to neighbouring rights).

<sup>2865</sup> Art. 2(5) (defining communication to the public as "any act whereby one or more persons, either gathered together in one place or not, are afforded access to the work without the prior distribution of copies to each one of them, by any analog or digital means or process that is or may yet become known for the purpose of disseminating signs, words, sounds or images; the entire process necessary to make the work accessible to the public constitutes communication").

<sup>2866</sup> Art. 129 (applying exceptions and limitations mutatis mutandis to neighbouring rights).

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Philippines

### 1. Treaties & Legislation

Treaties:

Berne Convention: August 1, 1951 (Paris Act (1971): July 16, 1980)

WIPO Copyright Treaty: October 4, 2002

WIPO Performances and Phonograms Treaty: October 4, 2002

Legislation:

Republic Act No. 8293, Intellectual Property Code of the Philippines, as amended by Republic Act No. 10372, entitled 'An Act Amending Certain Provisions of Republic Act No. 8293, otherwise known as the 'Intellectual Property Code of the Philippines', and for other purposes'

### 2. Private/Personal Use

Provision	s 184.1(a)
Scope of private/personal use	recitation or performance
Type(s) of source work(s)	a lawfully published work, (a performance, <sup>2867</sup> sound recording, <sup>2868</sup> broadcast <sup>2869</sup> ), made accessible to the public
Entity exercising private/personal use	
Purpose of private/personal use	done privately
Condition of private/personal use	free of charge
Frequency/copies and limits	
Preclusions (not part of private/personal use)	<u>work to be used in a manner which does not conflict with normal exploitation of work and does not unreasonably prejudice right holder's legitimate interests</u> <sup>2870</sup>
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute infringement of copyright")

Provision	s 187
Scope of private/personal use	reproduction
Type(s) of source work(s)	a published work
Entity exercising private/personal use	a natural person
Purpose of private/personal use	exclusively for research and private study
Condition of private/personal use	
Frequency/copies and limits	a single copy
Preclusions (not part of private/personal use)	a work of architecture in the form of building or other construction; an entire book, or a substantial part thereof, or of a musical work in graphic form by reprographic means; a compilation of data and other materials; a

<sup>2867</sup> S 205.2 (applying ss 184, 185 mutatis mutandis to performers).

<sup>2868</sup> S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings).

<sup>2869</sup> S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations).

<sup>2870</sup> S 184.2.

	computer program except as provided in s 189; and any work in cases where reproduction would unreasonably conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author
Subject to Attribution	
Subject to Remuneration	not required ("without the authorization of the owner of copyright in the work")

### 3. Quotations

Provision	s 184.1(b)
Scope of quotation	quotations
Type(s) of source work(s)	a published work, (a performance, <sup>2871</sup> sound recording, <sup>2872</sup> broadcast <sup>2873</sup> ), including quotations from newspaper articles and periodicals in the form of press summaries
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation is compatible with fair practice  quotation is only to the extent justified for the purpose
Preclusions (not part of quotation)	<u>work to be used in a manner which does not conflict with normal exploitation of work and does not unreasonably prejudice right holder's legitimate interests</u> <sup>2874</sup>
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("shall not constitute infringement of copyright")
Provision	s 185.1
Scope of quotation	fair use
Type(s) of source work(s)	a copyrighted work, (a performance, <sup>2875</sup> sound recording, <sup>2876</sup> broadcast <sup>2877</sup> ),
Entity exercising quotation	
Purpose of quotation	criticism, comment
Condition of quotation	to determine if use made of a work is fair use, factors to be considered shall include: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the copyright work;

<sup>2871</sup> S 205.2 (applying ss 184, 185 mutatis mutandis to performers).

<sup>2872</sup> S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings).

<sup>2873</sup> S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations).

<sup>2874</sup> S 184.2.

<sup>2875</sup> S 205.2 (applying ss 184, 185 mutatis mutandis to performers).

<sup>2876</sup> S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings).

<sup>2877</sup> S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations).



	(c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; (d) the effect of the use upon the potential market for or value of the work.  that work is unpublished is not by itself a bar to a finding of fair use <sup>2878</sup>
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of copyright")

#### 4. Research/Educational Reproduction

Provision	s 184.1(h)
Scope of research/educational reproduction	use
Type(s) of source work(s)	a work, (a performance, <sup>2879</sup> sound recording, <sup>2880</sup> broadcast <sup>2881</sup> ),
Entity exercising reproduction	by or under the direction or control of the Government, by the National Library or by educational, scientific or professional institutions
Purpose of educational reproduction	public interest
Condition of reproduction	compatible with fair use <sup>2882</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	<u>work to be used in a manner which does not conflict with normal exploitation of work and does not unreasonably prejudice right holder's legitimate interests</u> <sup>2883</sup>
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute infringement of copyright")

Provision	s 185.1
Scope of research/educational reproduction	fair use
Type(s) of source work(s)	a copyrighted work, (a performance, <sup>2884</sup> sound recording, <sup>2885</sup> broadcast <sup>2886</sup> ),
Entity exercising reproduction	
Purpose of educational reproduction	teaching, including limited number of copies for classroom use, scholarship, research, and similar purposes

<sup>2878</sup> s 185.2.

<sup>2879</sup> S 205.2 (applying ss 184, 185 mutatis mutandis to performers).

<sup>2880</sup> S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings).

<sup>2881</sup> S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations).

<sup>2882</sup> S 185.1 (defining, in a different provision, "fair use" according to the factors spelt out).

<sup>2883</sup> S 184.2.

<sup>2884</sup> S 205.2 (applying ss 184, 185 mutatis mutandis to performers).

<sup>2885</sup> S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings).

<sup>2886</sup> S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations).

Condition of reproduction	to determine if use made of a work is fair use, factors to be considered shall include: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the copyright work; (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; (d) the effect of the use upon the potential market for or value of the work.  that work is unpublished is not by itself a bar to a finding of fair use <sup>2887</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of copyright")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 184.1(e)
Scope of anthologies/compilations limitation/exception	inclusion, in a publication
Type(s) of source work(s)	a work, (a performance, <sup>2888</sup> sound recording, <sup>2889</sup> broadcast <sup>2890</sup> ),
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	illustration for teaching purposes
Condition of anthologies/compilations limitation/exception	compatible with fair use <sup>2891</sup>
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	<u>work to be used in a manner which does not conflict with normal exploitation of work and does not unreasonably prejudice right holder's legitimate interests</u> <sup>2892</sup>
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("shall not constitute infringement of copyright")

#### 6. School Performances

Provision	s 184.1(a)
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<sup>2887</sup> s 185.2.

<sup>2888</sup> S 205.2 (applying ss 184, 185 mutatis mutandis to performers).

<sup>2889</sup> S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings).

<sup>2890</sup> S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations).

<sup>2891</sup> S 185.1 (defining, in a different provision, "fair use" according to the factors spelt out).

<sup>2892</sup> S 184.2.

Scope of school performance	recitation or performance
Type(s) of source work(s)	a lawfully published work, (a performance, <sup>2893</sup> sound recording, <sup>2894</sup> broadcast <sup>2895</sup> ), made accessible to the public
Entity exercising school performance	
Purpose of school performance	made strictly for a charitable or religious institution or society
Condition of school performance	
Preclusions (not part of school performance)	<u>work to be used in a manner which does not conflict with normal exploitation of work and does not unreasonably prejudice right holder's legitimate interests</u> <sup>2896</sup>
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute infringement of copyright")

Provision	s 184.1(i)
Scope of school performance	public performance or communication to the public
Type(s) of source work(s)	a work, (a performance, <sup>2897</sup> sound recording, <sup>2898</sup> broadcast <sup>2899</sup> ),
Entity exercising school performance	a club or institution for charitable or educational purpose only, whose aim is not profit making
Purpose of school performance	
Condition of school performance	a place where no admission fee is charged in respect of such public performance or communication  subject to such other limitations as may be provided in Regulations
Preclusions (not part of school performance)	<u>work to be used in a manner which does not conflict with normal exploitation of work and does not unreasonably prejudice right holder's legitimate interests</u> <sup>2900</sup>
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute infringement of copyright")

Provision	s 185.1
Scope of school performance	fair use

<sup>2893</sup> S 205.2 (applying ss 184, 185 mutatis mutandis to performers).

<sup>2894</sup> S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings).

<sup>2895</sup> S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations).

<sup>2896</sup> S 184.2.

<sup>2897</sup> S 205.2 (applying ss 184, 185 mutatis mutandis to performers).

<sup>2898</sup> S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings).

<sup>2899</sup> S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations).

<sup>2900</sup> S 184.2.

Type(s) of source work(s)	a copyrighted work, (a performance, <sup>2901</sup> sound recording, <sup>2902</sup> broadcast <sup>2903</sup> ),
Entity exercising school performance	
Purpose of school performance	teaching, including limited number of copies for classroom use, scholarship, research, and similar purposes
Condition of school performance	to determine if use made of a work is fair use, factors to be considered shall include: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the copyright work; (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; (d) the effect of the use upon the potential market for or value of the work.  that work is unpublished is not by itself a bar to a finding of fair use <sup>2904</sup>
Preclusions (not part of school performance)	<u>work to be used in a manner which does not conflict with normal exploitation of work and does not unreasonably prejudice right holder's legitimate interests</u> <sup>2905</sup>
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of copyright")

## 7. Educational Broadcasts/Communications/Recordings

Provision	s 184.1(e)
Scope of broadcast/communication/recording	inclusion, in a broadcast, or other communication to the public, sound recording or film
Type(s) of source work(s)	a work, (a performance, <sup>2906</sup> sound recording, <sup>2907</sup> broadcast <sup>2908</sup> ),
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	illustration for teaching purposes
Condition of broadcast/communication/recording	compatible with fair use <sup>2909</sup>

<sup>2901</sup> S 205.2 (applying ss 184, 185 mutatis mutandis to performers).

<sup>2902</sup> S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings).

<sup>2903</sup> S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations).

<sup>2904</sup> s 185.2.

<sup>2905</sup> S 184.2.

<sup>2906</sup> S 205.2 (applying ss 184, 185 mutatis mutandis to performers).

<sup>2907</sup> S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings).

<sup>2908</sup> S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations).

<sup>2909</sup> S 185.1 (defining, in a different provision, "fair use" according to the factors spelt out).

Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	<u>work to be used in a manner which does not conflict with normal exploitation of work and does not unreasonably prejudice right holder's legitimate interests</u> <sup>2910</sup>
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("shall not constitute infringement of copyright")
Provision	s 184.1(f)
Scope of broadcast/communication/recording	recording
Type(s) of source work(s)	a work, (a performance, <sup>2911</sup> sound recording, <sup>2912</sup> broadcast <sup>2913</sup> ), included in a broadcast
Entity exercising broadcast/communication/recording	schools, universities, or educational institutions
Purpose of broadcast/communication/recording	use of such schools, universities or educational institutions
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	recording must be deleted within a reasonable period after they were first broadcast
Preclusions (not part of broadcast/communication/recording)	recording may not be made from audiovisual works which are part of the general cinema repertoire of feature films except for brief excerpts of the work  <u>work to be used in a manner which does not conflict with normal exploitation of work and does not unreasonably prejudice right holder's legitimate interests</u> <sup>2914</sup>
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute infringement of copyright")
Provision	s 184.1(h)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	a work, (a performance, <sup>2915</sup> sound recording, <sup>2916</sup> broadcast <sup>2917</sup> ),
Entity exercising broadcast/communication/recording	by or under the direction or control of the Government, by the National Library or by educational, scientific or professional institutions

<sup>2910</sup> S 184.2.

<sup>2911</sup> S 205.2 (applying ss 184, 185 mutatis mutandis to performers).

<sup>2912</sup> S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings).

<sup>2913</sup> S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations).

<sup>2914</sup> S 184.2.

<sup>2915</sup> S 205.2 (applying ss 184, 185 mutatis mutandis to performers).

<sup>2916</sup> S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings).

<sup>2917</sup> S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations).

Purpose of broadcast/communication/recording	public interest
Condition of broadcast/communication/recording	compatible with fair use <sup>2918</sup>
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	<u>work to be used in a manner which does not conflict with normal exploitation of work and does not unreasonably prejudice right holder's legitimate interests</u> <sup>2919</sup>
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute infringement of copyright")

Provision	s 185.1
Scope of broadcast/communication/recording	fair use
Type(s) of source work(s)	a copyrighted work, (a performance, <sup>2920</sup> sound recording, <sup>2921</sup> broadcast <sup>2922</sup> ),
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching, including classroom use, scholarship, research, and similar purposes
Condition of broadcast/communication/recording	to determine if use made of a work is fair use, factors to be considered shall include: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the copyright work; (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; (d) the effect of the use upon the potential market for or value of the work.  that work is unpublished is not by itself a bar to a finding of fair use <sup>2923</sup>
Frequency/limits of broadcast/communication/recording	limited number of copies for classroom use, scholarship, research, and similar purposes [sic]
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of copyright")

<sup>2918</sup> S 185.1 (defining, in a different provision, "fair use" according to the factors spelt out).

<sup>2919</sup> S 184.2.

<sup>2920</sup> S 205.2 (applying ss 184, 185 mutatis mutandis to performers).

<sup>2921</sup> S 210 (applying ss 184, 185 mutatis mutandis to producer of sound recordings).

<sup>2922</sup> S 212 (applying Chapter VIII mutatis mutandis to performers, producer of sound recordings and broadcasting organisations).

<sup>2923</sup> s 185.2.

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Poland

### 1. Treaties & Legislation

Treaties:

Berne Convention: January 28, 1920 (Paris Act (1971): August 4, 1990)

WIPO Copyright Treaty: March 23, 2004

WIPO Performances and Phonograms Treaty: October 21, 2003

Legislation:

Act No. 83 of February 4, 1994, on Copyright and Neighboring Rights (as amended up to October 21, 2010)

Act of July 19, 2016, on Amendments to the Copyright and Related Rights Act

### 2. Private/Personal Use

Provision	Art. 23.1
Scope of private/personal use	use
Type(s) of source work(s)	a work, (performance, phonogram, videogram and programme broadcast, first edition or scientific and critical edition), <sup>2924</sup> having been already disseminated
Entity exercising private/personal use	
Purpose of private/personal use	personal use
Condition of private/personal use	
Frequency/copies and limits	includes single copies of works by a circle of people having personal relationships, and in particular any consanguinity, affinity or social relationship
Preclusions (not part of private/personal use)	building constructions according to other authors' architectural works, architectural and urban planning works, use electronic databases possessing features of a piece of work (unless this applies to one's own scientific use not connected with any profit-gaining purposes)  permissible use "must not infringe the normal use of the work or violate the rightful interests of the author" <sup>2925</sup>
Subject to Attribution	source, author <sup>2926</sup>
Subject to Remuneration	fees payable by equipment (tape, video recorders, photocopiers, scanners and other similar reprographic devices) and media (blank carriers used for fixing) producers/importers used for fixing works or objects of related rights

<sup>2924</sup> Art. 100.

<sup>2925</sup> Art. 35.

<sup>2926</sup> Art. 34.



	through a CMO to artists, performers, producers of phonograms and videograms, publishers <sup>2927</sup>
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### 3. Quotations

Provision	Art. 26
Scope of quotation	quote, in the reports of current events
Type(s) of source work(s)	works, (performances, phonograms, videograms and programme broadcasts, first editions or scientific and critical editions), <sup>2928</sup> made available in the course of such events
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	within the limits justified by the purpose of the information
Preclusions (not part of quotation)	permissible use "must not infringe the normal use of the work or violate the rightful interests of the author" <sup>2929</sup>
Subject to Attribution	source, author <sup>2930</sup>
Subject to Remuneration	not required ("shall be permitted")

Provision	Art. 29.1
Scope of quotation	quote, in works constituting an independent whole
Type(s) of source work(s)	fragments of disseminated works or minor works in full, (performances, phonograms, videograms and programme broadcasts, first editions or scientific and critical editions) <sup>2931</sup>
Entity exercising quotation	
Purpose of quotation	within the scope justified by explanation, critical analysis, teaching or the rights governing a given kind of creative activity
Condition of quotation	
Preclusions (not part of quotation)	permissible use "must not infringe the normal use of the work or violate the rightful interests of the author" <sup>2932</sup>
Subject to Attribution	source, author <sup>2933</sup>
Subject to Remuneration	not required ("shall be permitted")

### 4. Research/Educational Reproduction

Provision	Art. 27
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<sup>2927</sup> Art. 20 (providing the fee schedule for distribution to fee to artists, performers, producers of phonograms and videograms, publishers).

<sup>2928</sup> Art. 100.

<sup>2929</sup> Art. 35.

<sup>2930</sup> Art. 34.

<sup>2931</sup> Art. 100.

<sup>2932</sup> Art. 35.

<sup>2933</sup> Art. 34.

Scope of research/educational reproduction	use, and make copies
Type(s) of source work(s)	fragments of disseminated works, (performances, phonograms, videograms and programme broadcasts, first editions or scientific and critical editions), <sup>2934</sup> in original and in translation
Entity exercising reproduction	research and educational institutions
Purpose of educational reproduction	teaching purposes or in order to conduct their own research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	permissible use "must not infringe the normal use of the work or violate the rightful interests of the author" <sup>2935</sup>
Subject to Attribution	source, author <sup>2936</sup>
Subject to Remuneration	not required ("shall be allowed")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 29.2
Scope of anthologies/compilations limitation/exception	include, in textbooks and reading books
Type(s) of source work(s)	disseminated minor works or excerpts from larger works, (performances, phonograms, videograms and programme broadcasts, first editions or scientific and critical editions) <sup>2937</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for teaching and research reasons
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	permissible use "must not infringe the normal use of the work or violate the rightful interests of the author" <sup>2938</sup>
Subject to Attribution	source, author <sup>2939</sup>
Subject to Remuneration	lower remuneration rates payable by educational institutions using works and objects of related rights as part of their statutory activity (without material profits), to author <sup>2940</sup>

<sup>2934</sup> Art. 100.

<sup>2935</sup> Art. 35.

<sup>2936</sup> Art. 34.

<sup>2937</sup> Art. 100.

<sup>2938</sup> Art. 35.

<sup>2939</sup> Art. 34.

<sup>2940</sup> Art. 110<sup>12</sup>.5 provides that CMOs shall specify lower remuneration rates for entities conducting cultural activities and for educational institutions using works and objects of related rights as part of their statutory activity, unless such use results in obtaining material profits. These rates in tables of remuneration have to be approved by the Copyright Commission.

Provision	Art. 29.2 <sup>1</sup>
Scope of anthologies/compilations limitation/exception	include, in anthologies
Type(s) of source work(s)	minor works of fragments or larger works which have already been disseminated, (performances, phonograms, videograms and programme broadcasts, first editions or scientific and critical editions), <sup>2941</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for teaching or research purposes
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	permissible use "must not infringe the normal use of the work or violate the rightful interests of the author" <sup>2942</sup>
Subject to Attribution	source, author <sup>2943</sup>
Subject to Remuneration	lower remuneration rates payable by educational institutions using works and objects of related rights as part of their statutory activity (without material profits), to author <sup>2944</sup>

## 6. School Performances

Provision	Art. 31
Scope of school performance	perform in public
Type(s) of source work(s)	any disseminated works, (performances, phonograms, videograms and programme broadcasts, first editions or scientific and critical editions) <sup>2945</sup>
Entity exercising school performance	
Purpose of school performance	school and academic events
Condition of school performance	perform gratuitously  not, directly or indirectly, connected with any material benefits  artists do not receive any remuneration, except for any advertising, promotional or election events

<sup>2941</sup> Art. 100.

<sup>2942</sup> Art. 35.

<sup>2943</sup> Art. 34.

<sup>2944</sup> Art. 110<sup>12.5</sup> provides that CMOs shall specify lower remuneration rates for entities conducting cultural activities and for educational institutions using works and objects of related rights as part of their statutory activity, unless such use results in obtaining material profits. These rates in tables of remuneration have to be approved by the Copyright Commission.

<sup>2945</sup> Art. 100.

Preclusions (not part of school performance)	permissible use "must not infringe the normal use of the work or violate the rightful interests of the author" <sup>2946</sup>
Subject to Attribution	source, author <sup>2947</sup>
Subject to Remuneration	not required ("shall be permitted")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 27
Scope of broadcast/communication/recording	use, and make copies
Type(s) of source work(s)	fragments of disseminated works, (performances, phonograms, videograms and programme broadcasts, first editions or scientific and critical editions), <sup>2948</sup> in original and in translation
Entity exercising broadcast/communication/recording	research and educational institutions
Purpose of broadcast/communication/recording	teaching purposes or in order to conduct their own research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	permissible use "must not infringe the normal use of the work or violate the rightful interests of the author" <sup>2949</sup>
Subject to Attribution	source, author <sup>2950</sup>
Subject to Remuneration	not required ("shall be allowed")

#### 8. Compulsory Licences for Educational Reproductions and Translations

#### 9. TPM/RMI Exceptions for Educational Purposes

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<sup>2946</sup> Art. 35.

<sup>2947</sup> Art. 34.

<sup>2948</sup> Art. 100.

<sup>2949</sup> Art. 35.

<sup>2950</sup> Art. 34.

## Portugal

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 29, 1911 (Paris Act (1971): January 12, 1979)

WIPO Copyright Treaty: March 14, 2010

WIPO Performances and Phonograms Treaty: March 14, 2010

Legislation:

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

### 2. Private/Personal Use

Provision	Art. 75.2(a)
Scope of private/personal use	reproduction, on paper or similar medium, by photographic technique or process with similar results
Type(s) of source work(s)	a work
Entity exercising private/personal use	
Purpose of private/personal use	exclusively for private purposes
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	sheet music  such uses must not reach the normal exploitation of the work or cause unreasonable prejudice to the legitimate interests of the author <sup>2951</sup>
Subject to Attribution	title, author, publisher, and other identification circumstances, where possible <sup>2952</sup>
Subject to Remuneration	equitable remuneration by entity that carried out the reproduction, payable to author, "and in analog scope [sic], to the editor[sic]" <sup>2953</sup>  compensation payable by equipment (all mechanical, chemical, electrical, electronic or other devices permitting the fixing and reproduction of works) and recording media sellers through a CMO to authors, performers, publishers and phonographic and video producers <sup>2954</sup>

Provision	Art. 75.2(a)
Scope of private/personal use	reproduction on any medium
Type(s) of source work(s)	

<sup>2951</sup> Art. 75.4.

<sup>2952</sup> Art. 76.1(a).

<sup>2953</sup> Art. 76.1(b).

<sup>2954</sup> Art. 82.

Entity exercising private/personal use	a natural person
Purpose of private/personal use	private use
Condition of private/personal use	without direct or indirect commercial purposes
Frequency/copies and limits	
Preclusions (not part of private/personal use)	such uses must not reach the normal exploitation of the work or cause unreasonable prejudice to the legitimate interests of the author <sup>2955</sup>
Subject to Attribution	title, author, publisher, and other identification circumstances, where possible <sup>2956</sup>
Subject to Remuneration	equitable remuneration by entity that carried out the reproduction, payable to author, “and in analog scope [sic], to the editor[sic]” <sup>2957</sup>  compensation payable by equipment (all mechanical, chemical, electrical, electronic or other devices permitting the fixing and reproduction of works) and recording media sellers through a CMO to authors, performers, publishers and phonographic and video producers

Provision	Art. 81(b)
Scope of private/personal use	reproduction
Type(s) of source work(s)	a work
Entity exercising private/personal use	exclusively private use
Purpose of private/personal use	
Condition of private/personal use	not to be used for any purposes of communication to the public or commercialization
Frequency/copies and limits	
Preclusions (not part of private/personal use)	use does not prejudice the normal exploitation of the work and does not cause unreasonable prejudice to the legitimate interests of the author
Subject to Attribution	
Subject to Remuneration	compensation payable by equipment (all mechanical, chemical, electrical, electronic or other devices permitting the fixing and reproduction of works) and recording media sellers through a CMO to authors, performers, publishers and phonographic and video producers

Provision	Art. 189.1(a)
Scope of private/personal use	use
Type(s) of source work(s)	a performance, phonogram, videogram, broadcast <sup>2958</sup>

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<sup>2955</sup> Art. 75.4.

<sup>2956</sup> Art. 76.1(a).

<sup>2957</sup> Art. 76.1(b).

<sup>2958</sup> Art. 189.1(A).

Entity exercising private/personal use	
Purpose of private/personal use	private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	compensation payable by equipment (all mechanical, chemical, electrical, electronic or other devices permitting the fixing and reproduction of works) and recording media sellers through a CMO to authors, performers, publishers and phonographic and video producers <sup>2959</sup>

### 3. Quotations

Provision	Art. 75.2(g)
Scope of quotation	inclusion of quotations or summaries
Type(s) of source work(s)	other people's works, whatever their gender and nature
Entity exercising quotation	
Purpose of quotation	in support of own doctrines or for the purposes of criticism, discussion or teaching
Condition of quotation	to the extent justified by the objective to be achieved  works produced must not be confused with source works <sup>2960</sup>  quotation not be so extensive as to prejudice the interests in source works <sup>2961</sup>
Preclusions (not part of quotation)	such uses must not reach the normal exploitation of the work or cause unreasonable prejudice to the legitimate interests of the author <sup>2962</sup>
Subject to Attribution	title, author, publisher, and other identification circumstances, where possible <sup>2963</sup>
Subject to Remuneration	not required ("without the author's consent")

Provision	Art. 189.1(b)
Scope of quotation	extracts
Type(s) of source work(s)	a performance, phonogram, videogram, broadcast
Entity exercising quotation	

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<sup>2959</sup> Art. 82.

<sup>2960</sup> Art. 76.2.

<sup>2961</sup> Art. 76.2.

<sup>2962</sup> Art. 75.4.

<sup>2963</sup> Art. 76.1(a).

Purpose of quotation	information or criticism or other authorizing citations or summaries in Art. 75(2)
Condition of quotation	extract justified by purpose
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("free uses")

#### 4. Research/Educational Reproduction

Provision	Art. 81(a)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	works not yet available in the market or impossible to obtain
Entity exercising reproduction	
Purpose of educational reproduction	purposes that are exclusively scientific or humanitarian
Condition of reproduction	for the time necessary for its use
Frequency/copies and limits	in a single copy
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	compensation payable by equipment (all mechanical, chemical, electrical, electronic or other devices permitting the fixing and reproduction of works) and recording media sellers through a CMO to authors, performers, publishers and phonographic and video producers
Provision	Art. 75.2(e)
Scope of research/educational reproduction	reproduction, in whole or in part
Type(s) of source work(s)	a work previously made available to the public
Entity exercising reproduction	carried out by, inter alia, scientific or educational institution
Purpose of educational reproduction	
Condition of reproduction	reproduction and the respective number of copies are not intended for the public  reproduction not seek to obtain an economic or commercial advantage, direct or indirect  works produced must not be confused with source works, and reproduction not be so extensive as to prejudice the interests in source works <sup>2964</sup>
Frequency/copies and limits	reproduction and the respective number of copies are limited to the needs of the own activities of these institutions, including the acts

<sup>2964</sup> Art. 76.2.



	of reproduction necessary to the preservation and archive of any work
Preclusions (not part of research/educational reproduction)	such uses must not reach the normal exploitation of the work or cause unreasonable prejudice to the legitimate interests of the author <sup>2965</sup>
Subject to Attribution	title, author, publisher, and other identification circumstances, where possible <sup>2966</sup>
Subject to Remuneration	equitable remuneration by entity that carried out the reproduction, payable to author, “and in analog scope [sic], to the editor[sic]” <sup>2967</sup>  compensation payable by equipment (all mechanical, chemical, electrical, electronic or other devices permitting the fixing and reproduction of works) and recording media sellers through a CMO to authors, performers, publishers and phonographic and video producers

Provision	Art. 75.2(f)
Scope of research/educational reproduction	reproduction, distribution
Type(s) of source work(s)	parts of a published work
Entity exercising reproduction	teaching and education establishments
Purpose of educational reproduction	purposes of teaching and education, intended exclusively for the teaching purposes in these establishments
Condition of reproduction	not to obtain an economic or commercial advantage, direct or indirect  works produced must not be confused with source works
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	reproduction not be so extensive as to prejudice the interests in source works <sup>2968</sup>  such uses must not reach the normal exploitation of the work or cause unreasonable prejudice to the legitimate interests of the author <sup>2969</sup>
Subject to Attribution	title, author, publisher, and other identification circumstances, where possible <sup>2970</sup>
Subject to Remuneration	compensation payable by equipment (all mechanical, chemical, electrical, electronic or other devices permitting the fixing and

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<sup>2965</sup> Art. 75.4.

<sup>2966</sup> Art. 76.1(a).

<sup>2967</sup> Art. 76.1(b).

<sup>2968</sup> Art. 76.2.

<sup>2969</sup> Art. 75.4.

<sup>2970</sup> Art. 76.1(a).

	reproduction of works) and recording media sellers through a CMO to authors, performers, publishers and phonographic and video producers
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Provision	Art. 189.1(b)
Scope of research/educational reproduction	use
Type(s) of source work(s)	a performance, phonogram, videogram, broadcast
Entity exercising reproduction	
Purpose of educational reproduction	intended solely for scientific or educational purposes
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 75.2(h)
Scope of anthologies/compilations limitation/exception	inclusion, in own works
Type(s) of source work(s)	short pieces or fragments of other people's works, (a performance, phonogram, videogram, broadcast) <sup>2971</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	own works with teaching purposes
Condition of anthologies/compilations limitation/exception	works produced must not be confused with source works, and reproduction/quotation not be so extensive as to prejudice the interests in source works <sup>2972</sup>
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	such uses must not reach the normal exploitation of the work or cause unreasonable prejudice to the legitimate interests of the author <sup>2973</sup>
Subject to Attribution	title, author, publisher, and other identification circumstances, where possible <sup>2974</sup>
Subject to Remuneration	equitable remuneration payable to author and publisher <sup>2975</sup>

<sup>2971</sup> Art. 189.1(f) ("other cases in which the use of the work is lawful without the consent of the author").

<sup>2972</sup> Art. 76.2.

<sup>2973</sup> Art. 75.4.

<sup>2974</sup> Art. 76.1(a).

<sup>2975</sup> Art. 76.1(b).

6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	Art. 75.2(f)
Scope of broadcast/communication/recording	making available to the public
Type(s) of source work(s)	parts of a published work, (a performance, phonogram, videogram, broadcast) <sup>2976</sup>
Entity exercising broadcast/communication/recording	teaching and education establishments
Purpose of broadcast/communication/recording	purposes of teaching and education, intended exclusively for the teaching purposes in these establishments
Condition of broadcast/communication/recording	not to obtain an economic or commercial advantage, direct or indirect  works produced must not be confused with source works
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	reproduction/quotation not be so extensive as to prejudice the interests in source works <sup>2977</sup>  such uses must not reach the normal exploitation of the work or cause unreasonable prejudice to the legitimate interests of the author <sup>2978</sup>
Subject to Attribution	title, author, publisher, and other identification circumstances, where possible <sup>2979</sup>
Subject to Remuneration	not required ("without the author's consent")

Provision	Art. 75.2(o)
Scope of broadcast/communication/recording	communication or making available to the public, to individual members of the public, by dedicated terminals
Type(s) of source work(s)	protected works not subject to conditions on purchase or licensing, and "that integrate their collections or property" [sic] , (a performance, phonogram, videogram, broadcast) <sup>2980</sup>
Entity exercising broadcast/communication/recording	by or on behalf of an educational establishment
Purpose of broadcast/communication/recording	purposes of research or private study,
Condition of broadcast/communication/recording	

<sup>2976</sup> Art. 189.1(f) ("other cases in which the use of the work is lawful without the consent of the author").

<sup>2977</sup> Art. 76.2.

<sup>2978</sup> Art. 75.4.

<sup>2979</sup> Art. 76.1(a).

<sup>2980</sup> Art. 189.1(f) ("other cases in which the use of the work is lawful without the consent of the author").

Frequency/limits of broadcast/communication/recording	terminals to be used in library, museums, public archives and schools facilities
Preclusions (not part of broadcast/communication/recording)	such uses must not reach the normal exploitation of the work or cause unreasonable prejudice to the legitimate interests of the author <sup>2981</sup>
Subject to Attribution	title, author, publisher, and other identification circumstances, where possible <sup>2982</sup>
Subject to Remuneration	not required ("without the author's consent")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 221
Scope of TPM/RMI restriction	require rightholder who used effective technological measures in respect of copyright work to deposit with the Inspectorate General of Cultural Activities, means to benefit by the beneficiaries from legally permitted forms of use of the exception/limitation, and adopt appropriate voluntary measures such as establishment and implementation of agreements between rightholders (or their representatives) and interested users/beneficiaries <sup>2983</sup>
Type(s) of source work(s)	protected work/subject-matter
Beneficiary exercising restriction	users who use work/subject-matter for, <i>inter alia</i> , private use (Arts. 75.2(a), 189.1(a)), educational establishments (Art. 75.2(e)), teaching or scientific research (Art. 75.2(f))
Purpose of restriction	that effective technological measures shall not constitute an obstacle to normal exercise by beneficiaries of [aforesaid] free uses
Condition of restriction	beneficiary to have legal access to the deposited means  rightholders may apply effective technological measures to limit the number of authorized reproductions relating to private use <sup>2984</sup>  no deposit or voluntary measure required to be taken by the rightholder, for works, performances or protected productions made available to the public, following an agreement between rightholders and users, the purpose of which is to enable the person to access them from a place and at a time chosen by him <sup>2985</sup>

<sup>2981</sup> Art. 75.4.<sup>2982</sup> Art. 76.1(a).<sup>2983</sup> Art. 221.2.<sup>2984</sup> Art. 221.8.<sup>2985</sup> Art. 222.

10. Other Limitations/Exceptions

Provision	Art. 75.5
Scope of other limitation/exception	Any contractual term intended to eliminate or prevent the normal exercise by beneficiaries of the uses set out in paragraphs 1, 2 and 3 of this Article [inter alia, reproduction of work by a natural person for private use, <sup>2986</sup> quotations, <sup>2987</sup> reproduction by scientific or educational institution, <sup>2988</sup> inclusion of works in publications for teaching purposes, <sup>2989</sup> communication or making available to the public by educational establishments for teaching and education, research or private study <sup>2990</sup> ] shall be null and void, without prejudice to the possibility for the parties to freely agree on their respective forms of exercise, in particular with regard to amounts of equitable remuneration
Type(s) of source work(s)	
Entity entitled to limitation/exception	inter alia, natural persons, educational institutions
Purpose of limitation/exception	
Condition of limitation/exception	
Frequency/copies and limits	
Preclusions (not part of limitation/exception)	

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<sup>2986</sup> Art. 75.2(a).

<sup>2987</sup> Art. 75.2(g).

<sup>2988</sup> Art. 75.2(e), (f)

<sup>2989</sup> Art. 75.2(h).

<sup>2990</sup> Art. 75.2(f), (o).

## Qatar

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 5, 2000 (Paris Act (1971): July 5, 2000)

WIPO Copyright Treaty: October 28, 2005

WIPO Performances and Phonograms Treaty: October 28, 2005

Legislation:

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

### 2. Private/Personal Use

Provision	Art. 18(1)
Scope of private/personal use	using, through reproduction, translation, quotation, musical arrangement, acting, broadcast listening, television viewing, photography or by any other means
Type(s) of source work(s)	a protected work, (a performance, sound recording, broadcast) <sup>2991</sup>
Entity exercising private/personal use	
Purpose of private/personal use	exclusively for personal use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	use "shall not conflict with a normal exploitation of the work or unreasonably prejudice the legitimate interests of the author" <sup>2992</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without the Author's authorization")

### 3. Quotations

Provision	Art. 18(3)
Scope of quotation	citing, in another work
Type(s) of source work(s)	paragraph of a work, (a performance, sound recording, broadcast) <sup>2993</sup>
Entity exercising quotation	
Purpose of quotation	illustration, demonstration or criticism
Condition of quotation	within the acceptable practice and as justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author

<sup>2991</sup> Art. 26 (applying restrictions on economic rights mutatis mutandis to the rights of performers, producers of sound recordings and broadcasting organisations).

<sup>2992</sup> Art. 18(2) proviso.

<sup>2993</sup> Art. 26 (applying restrictions on economic rights mutatis mutandis to the rights of performers, producers of sound recordings and broadcasting organisations).

Subject to Remuneration	not required ("without the Author's authorization")
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#### 4. Research/Educational Reproduction

Provision	Art. 21(1)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	articles, short works or extracts of works, (performances, sound recordings, broadcasts) <sup>2994</sup>
Entity exercising reproduction	
Purpose of educational reproduction	teaching purposes in educational institutions
Condition of reproduction	activities of which do not serve direct or indirect commercial gain  no collective licence available by competent authority in the collective management of rights of which educational institution is or should be aware
Frequency/copies and limits	to the extent justified by the purpose  reproduction is isolated; if repeated, on separate and unrelated occasions
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	title, author (on all copies if practicable)
Subject to Remuneration	not required ("reproduction is allowed")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 18(2)
Scope of anthologies/compilations limitation/exception	use, by way of illustration, through publications
Type(s) of source work(s)	a work, (a performance, sound recording, broadcast) <sup>2995</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for teaching
Condition of anthologies/compilations limitation/exception	use is nonprofit making
Frequency/copies and limits	extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	use "shall not conflict with a normal exploitation of the work or unreasonably prejudice the legitimate interests of the author" <sup>2996</sup>

<sup>2994</sup> Art. 26 (applying restrictions on economic rights mutatis mutandis to the rights of performers, producers of sound recordings and broadcasting organisations).

<sup>2995</sup> Art. 26 (applying restrictions on economic rights mutatis mutandis to the rights of performers, producers of sound recordings and broadcasting organisations).

<sup>2996</sup> Art. 18(2) proviso.

Subject to Attribution	source, author
Subject to Remuneration	not required ("without the Author's authorization")

#### 6. School Performances

Provision	Art. 18(2)
Scope of school performance	use, by way of illustration, by "any other means"
Type(s) of source work(s)	a work, (a performance, sound recording, broadcast) <sup>2997</sup>
Entity exercising school performance	
Purpose of school performance	for teaching
Condition of school performance	use is nonprofit making  the extent justified by the purpose
Preclusions (not part of school performance)	use "shall not conflict with a normal exploitation of the work or unreasonably prejudice the legitimate interests of the author" <sup>2998</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("without the Author's authorization")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 18(2)
Scope of broadcast/communication/recording	use, by way of illustration, through broadcasts, sound or visual recordings, films or by any other means
Type(s) of source work(s)	a work, (a performance, sound recording, broadcast) <sup>2999</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for teaching
Condition of broadcast/communication/recording	use is nonprofit making
Frequency/limits of broadcast/communication/recording	the extent justified by the purpose
Preclusions (not part of broadcast/communication/recording)	use "shall not conflict with a normal exploitation of the work or unreasonably prejudice the legitimate interests of the author" <sup>3000</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("without the Author's authorization")

<sup>2997</sup> Art. 26 (applying restrictions on economic rights mutatis mutandis to the rights of performers, producers of sound recordings and broadcasting organisations).

<sup>2998</sup> Art. 18(2) proviso.

<sup>2999</sup> Art. 26 (applying restrictions on economic rights mutatis mutandis to the rights of performers, producers of sound recordings and broadcasting organisations).

<sup>3000</sup> Art. 18(2) proviso.



**8. Compulsory Licences for Educational Reproductions and Translations**

Provision	Art. 27(a)
Nature of compulsory licence for translation for educational purposes	non-exclusive, non-transferable <sup>3001</sup> compulsory licence, for translation into Arabic of a foreign work, and publication of such translation in printed form or any other form
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>3002</sup> no digital dissemination <sup>3003</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	foreign work published in a printed form or any other form
Licence applicant/entity	a Qatari citizen <sup>3004</sup>
Purpose of licence	school and university education or research <sup>3005</sup>
Condition of licence	licence application may be made: 3 years from first publication  work has not been previously translated into Arabic and published in Qatar by the owner of the translation right or with his consent, or if translation has been so published, all editions in that language are out of print
Compulsory licence fee(s)	beneficiary of compulsory licence to pay fair compensation to author of original translated work, in conformity with the criteria of economic rights applied for voluntary licenses between persons in Qatar and persons in the author's country <sup>3006</sup>
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Minister or his delegate <sup>3007</sup>

Provision	Art. 27(b)
Nature of compulsory licence for reproduction for educational purposes	exclusive, non-transferable <sup>3008</sup> compulsory licence, for reproduction and publication

<sup>3001</sup> Art. 27(a).<sup>3002</sup> Art. 27(a) refers to the publication of the translation "in a printed form or any other form". Art. 1 (defining "publication" to mean "Reproduction of works or sound recordings to satisfy the needs of the public, subject to the consent of the Author, copyright owner or sound recording producer." and defining "reproduction" to mean "Production of one or more copies of work by means of printing, painting, engraving, photography, in form or in any manner, including permanent or temporary storage in electronic form"). Cf. Art. 7 does not refer to the exclusive rights to publication.<sup>3003</sup> Art. 7 refers, inter alia, the exclusive rights of reproduction, distribution to the public of the work through sale, and communication of the work to the public. Art. 27(a) makes no reference to the exclusive rights of distribution and communication.<sup>3004</sup> Art. 27(a).<sup>3005</sup> Art. 27(c).<sup>3006</sup> Art. 27(d).<sup>3007</sup> Art. 27(a).<sup>3008</sup> Art. 27(b).

Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>3009</sup> no digital dissemination <sup>3010</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	any published work
Licence applicant/entity	a Qatari citizen <sup>3011</sup>
Purpose of licence	only for the use in school or university education <sup>3012</sup>
Condition of licence	licence application may be made: 3 years from first publication (for work related to technology, natural science, physics or mathematics) 7 years from first publication (for works of poetry, theatre, music, art books and novels) 5 years from first publication (for other published works) <sup>3013</sup>  work has not been distributed in Qatar to satisfy the needs of the public or for school or university education by the owner or with his consent and for a price similar to the prices of similar works in Qatar <sup>3014</sup>
Compulsory licence fee(s)	beneficiary of compulsory licence to pay fair compensation to author of original translated work, in conformity with the criteria of economic rights applied for voluntary licenses between persons in Qatar and persons in the author's country <sup>3015</sup>
Price of publication	for a price similar or less than the price of reproduced edition <sup>3016</sup>
Distribution conditions	
Grantor of compulsory licence	Minister or his delegate <sup>3017</sup>

## 9. TPM/RMI Exceptions for Educational Purposes

<sup>3009</sup> Art. 27(a) refers to the publication of the translation "in a printed form or any other form". Art. 1 (defining "publication" to mean "Reproduction of works or sound recordings to satisfy the needs of the public, subject to the consent of the Author, copyright owner or sound recording producer." and defining "reproduction" to mean "Production of one or more copies of work by means of printing, painting, engraving, photography, in form or in any manner, including permanent or temporary storage in electronic form"). Cf. Art. 7 does not refer to the exclusive rights to publication.

<sup>3010</sup> Art. 7 refers, inter alia, the exclusive rights of reproduction, distribution to the public of the work through sale, and communication of the work to the public. Art. 27(a) makes no reference to the exclusive rights of distribution and communication.

<sup>3011</sup> Art. 27(b).

<sup>3012</sup> Art. 27(c).

<sup>3013</sup> Art. 27(b)(1).

<sup>3014</sup> Art. 27(b)(2).

<sup>3015</sup> Art. 27(d).

<sup>3016</sup> Art. 27(b)(3).

<sup>3017</sup> Art.27(b).

## Republic of Korea

### 1. Treaties & Legislation

Treaties:

Berne Convention: August 21, 1996 (Paris Act (1971): August 21, 1996)

WIPO Copyright Treaty: June 24, 2004

WIPO Performances and Phonograms Treaty: March 18, 2009

Legislation:

Copyright Act (Act No. 432 of January 28, 1957, as amended up to Act No. 12137 of December 30, 2013)

### 2. Private/Personal Use

Provision	Arts. 30, 87(1)
Scope of private/personal use	reproduce in private, (translate, arrange or adapt [in private]) <sup>3018</sup>
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast), <sup>3019</sup> already made public
Entity exercising private/personal use	a user
Purpose of private/personal use	non-commercial purposes for personal use
Condition of private/personal use	within the home or within similarly limited range
Frequency/copies and limits	
Preclusions (not part of private/personal use)	reproduction through the use of a photocopier set up for public use
Subject to Attribution	
Subject to Remuneration	not required ("may reproduce")

Provision	Arts. 101ter(1).4
Scope of private/personal use	reproduce or distribute
Type(s) of source work(s)	a computer program already made public
Entity exercising private/personal use	
Purpose of private/personal use	personal purposes in a confined space like a home
Condition of private/personal use	excluding cases for profit making
Frequency/copies and limits	to the extent deemed necessary for the purpose
Preclusions (not part of private/personal use)	not apply if such reproduction or distribution unreasonably prejudices the interests of the owner of author's property rights of those programs, in light of the type and usage of the programs, the relative importance of the reproduced portion in the programs, and the number of reproduced copies, etc.
Subject to Attribution	

<sup>3018</sup> Art. 36(1).

<sup>3019</sup> Art. 87 (applying Arts. 23, 24, 25(1) to (3), 26 to 32, 33(2), 34, 35bis, 35ter, 36 and 37 mutatis mutandis to the use of performances, phonograms or broadcasts which are the objects of neighbouring rights).

Subject to Remuneration	not required ("may be reproduced or distributed")
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### 3. Quotations

Provision	Art. 28
Scope of quotation	quote, (translate) <sup>3020</sup>
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast), <sup>3021</sup> already made public
Entity exercising quotation	
Purpose of quotation	criticism, education, and research
Condition of quotation	within a reasonable limit and in compliance with fair practices
Preclusions (not part of quotation)	
Subject to Attribution	source (in a manner deemed reasonable), author or pseudonym (if available) <sup>3022</sup>
Subject to Remuneration	not required ("It is permissible")
Provision	Art. 35ter
Scope of quotation	use
Type(s) of source work(s)	works, (performances, phonograms, broadcasts) <sup>3023</sup>
Entity exercising quotation	
Purpose of quotation	criticism
Condition of quotation	to determine if use falls under paragraph (1) [fair use], following factors etc. shall be considered: (a) purposes and characters of the use, including whether such use is for profit; (b) category and nature of the works; (c) amount and substantiality of the portion used in relation to the whole work; (d) effect of the use on the current or potential market for or value of the work.
Preclusions (not part of quotation)	such use does not conflict with the normal exploitation of works and does not unreasonably prejudice the legitimate interests of the rightholders except in the cases pursuant to Articles 23 to 35bis and 101ter to 101quinquies
Subject to Attribution	source (in a manner deemed reasonable), author or pseudonym (if available) <sup>3024</sup>
Subject to Remuneration	not required ("It is permissible")

### 4. Research/Educational Reproduction

Provision	Art. 25(2)
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<sup>3020</sup> Art. 36(2).

<sup>3021</sup> Art. 87 (applying Arts. 23, 24, 25(1) to (3), 26 to 32, 33(2), 34, 35bis, 35ter, 36 and 37 mutatis mutantis to the use of performances, phonograms or broadcasts which are the objects of neighbouring rights).

<sup>3022</sup> Art. 37.

<sup>3023</sup> Art. 87 (applying Arts. 23, 24, 25(1) to (3), 26 to 32, 33(2), 34, 35bis, 35ter, 36 and 37 mutatis mutantis to the use of performances, phonograms or broadcasts which are the objects of neighbouring rights).

<sup>3024</sup> Art. 37.

Scope of research/educational reproduction	reproduce, distribute, (translate, arrange, adapt) <sup>3025</sup>
Type(s) of source work(s)	whole or parts of a work, (a performance, phonogram, broadcast), <sup>3026</sup> already made public
Entity exercising reproduction	schools established by special laws, the Early Childhood Education Act, the Elementary and Secondary Education Act, or the Higher Education Act; and educational supporting institutions affiliated to the State or local government
Purpose of educational reproduction	to support classes implemented in those educational institutions
Condition of reproduction	
Frequency/copies and limits	whole work may be used if it is inevitable to use the work in whole in view of the character of the work, or the purpose and form etc., of such use
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source (in a manner deemed reasonable), author or pseudonym (if available) <sup>3027</sup>
Subject to Remuneration	except for high schools, their equivalents, or lower level schools, <sup>3028</sup> remuneration to be paid by person who intends to exploit work through to designated CMO, <sup>3029</sup> to be distributed to owner of property rights according to criteria determined and announced by the Minister of Culture, Sports and Tourism <sup>3030</sup>

Provision	Art. 25(3)
Scope of research/educational reproduction	reproduce, (translate, arrange, adapt) <sup>3031</sup>
Type(s) of source work(s)	whole or parts of a work, (a performance, phonogram, broadcast), <sup>3032</sup> already made public
Entity exercising reproduction	a person who receives instruction in schools established by special laws, the Early Childhood Education Act, the Elementary and Secondary Education Act, or the Higher Education Act; and educational supporting institutions affiliated to the State or local government
Purpose of educational reproduction	recognized as necessary for the purpose of the lessons

<sup>3025</sup> Art. 36(1).

<sup>3026</sup> Art. 87 (applying Arts. 23, 24, 25(1) to (3), 26 to 32, 33(2), 34, 35bis, 35ter, 36 and 37 mutatis mutandis to the use of performances, phonograms or broadcasts which are the objects of neighbouring rights).

<sup>3027</sup> Art. 37.

<sup>3028</sup> Art. 25(4).

<sup>3029</sup> Art. 25(5).

<sup>3030</sup> Art. 25(4).

<sup>3031</sup> Art. 36(1).

<sup>3032</sup> Art. 87 (applying Arts. 23, 24, 25(1) to (3), 26 to 32, 33(2), 34, 35bis, 35ter, 36 and 37 mutatis mutandis to the use of performances, phonograms or broadcasts which are the objects of neighbouring rights).

Condition of reproduction	
Frequency/copies and limits	whole work may be used if it is inevitable to use the work in whole in view of the character of the work, or the purpose and form etc., of such use
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source (in a manner deemed reasonable), author or pseudonym (if available) <sup>3033</sup>
Subject to Remuneration	not required ("A person who intends to exploit a work pursuant to paragraphs (1) and (2) shall pay...")
Provision	Art. 32
Scope of research/educational reproduction	reproduce and distribute, (translate) <sup>3034</sup>
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast), <sup>3035</sup> already made public
Entity exercising reproduction	
Purpose of educational reproduction	entrance examinations for schools or other examinations of knowledge and skills
Condition of reproduction	not for purposes of making a profit
Frequency/copies and limits	within the reasonable extent deemed necessary for that purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("It is permissible")

Provision	Art. 35ter
Scope of research/educational reproduction	use
Type(s) of source work(s)	works, (performances, phonograms, broadcasts) <sup>3036</sup>
Entity exercising reproduction	
Purpose of educational reproduction	education and research
Condition of reproduction	to determine if use falls under paragraph (1) [fair use], following factors etc. shall be considered: (a) purposes and characters of the use, including whether such use is for profit; (b) category and nature of the works; (c) amount and substantiality of the portion used in relation to the whole work; (d) effect of the use on the current or potential market for or value of the work.
Frequency/copies and limits	

<sup>3033</sup> Art. 37.

<sup>3034</sup> Art. 36(1).

<sup>3035</sup> Art. 87 (applying Arts. 23, 24, 25(1) to (3), 26 to 32, 33(2), 34, 35bis, 35ter, 36 and 37 mutatis mutantis to the use of performances, phonograms or broadcasts which are the objects of neighbouring rights).

<sup>3036</sup> Art. 87 (applying Arts. 23, 24, 25(1) to (3), 26 to 32, 33(2), 34, 35bis, 35ter, 36 and 37 mutatis mutantis to the use of performances, phonograms or broadcasts which are the objects of neighbouring rights).

Preclusions (not part of research/educational reproduction)	such use does not conflict with the normal exploitation of works and does not unreasonably prejudice the legitimate interests of the rightholders except in the cases pursuant to Articles 23 to 35bis and 101ter to 101quinquies
Subject to Attribution	source (in a manner deemed reasonable), author or pseudonym (if available) <sup>3037</sup>
Subject to Remuneration	not required ("It is permissible")

Provision	Art. 101ter(1).2
Scope of research/educational reproduction	reproduce or distribute
Type(s) of source work(s)	a computer program already made public
Entity exercising reproduction	a person who is responsible for education at a school under the Early Childhood Education Act, the Elementary and Secondary Education Act, the Higher Education Act, and an educational institution established under other acts (only institutions whose scholastic credentials are recognized for entrance to higher-level schools or which grant academic degrees)
Purpose of educational reproduction	for the purpose of providing it to a course of lessons
Condition of reproduction	
Frequency/copies and limits	to the extent deemed necessary for the purpose
Preclusions (not part of research/educational reproduction)	not apply if such reproduction or distribution unreasonably prejudices the interests of the owner of author's property rights of those programs, in light of the type and usage of the programs, the relative importance of the reproduced portion in the programs, and the number of reproduced copies, etc.
Subject to Attribution	
Subject to Remuneration	not required ("may be reproduced or distributed")

5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 25(1)
Scope of anthologies/compilations limitation/exception	reproduction, (translation, arrangement, adaptation) <sup>3038</sup> in textbooks
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast), <sup>3039</sup> already made public
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	necessary for the purpose of education in high schools, their equivalents, or lower level schools

<sup>3037</sup> Art. 37.

<sup>3038</sup> Art. 36(1).

<sup>3039</sup> Art. 87 (applying Arts. 23, 24, 25(1) to (3), 26 to 32, 33(2), 34, 35bis, 35ter, 36 and 37 mutatis mutandis to the use of performances, phonograms or broadcasts which are the objects of neighbouring rights).

Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source (in a manner deemed reasonable), author or pseudonym (if available) <sup>3040</sup>
Subject to Remuneration	except for high schools, their equivalents, or lower level schools, <sup>3041</sup> remuneration to be paid by person who intends to exploit work through to designated CMO, <sup>3042</sup> to be distributed to owner of property rights according to criteria determined and announced by the Minister of Culture, Sports and Tourism <sup>3043</sup>

Provision	Art. 101ter(1).3
Scope of anthologies/compilations limitation/exception	reproduce to be included in textbooks
Type(s) of source work(s)	a computer program already made public
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	purpose of education at schools under the Elementary and Secondary Education Act and schools equivalent thereto
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	to the extent deemed necessary for the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	not apply if such reproduction or distribution unreasonably prejudices the interests of the owner of author's property rights of those programs, in light of the type and usage of the programs, the relative importance of the reproduced portion in the programs, and the number of reproduced copies, etc.
Subject to Attribution	
Subject to Remuneration	remuneration payable to owner of author's property rights <sup>3044</sup>

## 6. School Performances

Provision	Art. 25(2)
Scope of school performance	perform, (translate, arrange, adapt) <sup>3045</sup> in public, display

<sup>3040</sup> Art. 37.

<sup>3041</sup> Art. 25(4).

<sup>3042</sup> Art. 25(5).

<sup>3043</sup> Art. 25(4).

<sup>3044</sup> Art. 101ter(3).

<sup>3045</sup> Art. 36(1).



Type(s) of source work(s)	whole or parts of a work, (a performance, phonogram, broadcast), <sup>3046</sup> already made public
Entity exercising school performance	schools established by special laws, the Early Childhood Education Act, the Elementary and Secondary Education Act, or the Higher Education Act; and educational supporting institutions affiliated to the State or local government
Purpose of school performance	to support classes implemented in those educational institutions
Condition of school performance	whole work may be used if it is inevitable to use the work in whole in view of the character of the work, or the purpose and form etc., of such use
Preclusions (not part of school performance)	
Subject to Attribution	source (in a manner deemed reasonable), author or pseudonym (if available) <sup>3047</sup>
Subject to Remuneration	except for high schools, their equivalents, or lower level schools, <sup>3048</sup> remuneration to be paid by person who intends to exploit work through to designated CMO, <sup>3049</sup> to be distributed to owner of property rights according to criteria determined and announced by the Minister of Culture, Sports and Tourism <sup>3050</sup>

Provision	Art. 35ter
Scope of school performance	use
Type(s) of source work(s)	works, (performances, phonograms, broadcasts) <sup>3051</sup>
Entity exercising school performance	
Purpose of school performance	education and research
Condition of school performance	to determine if use falls under paragraph (1) [fair use], following factors etc. shall be considered: (a) purposes and characters of the use, including whether such use is for profit; (b) category and nature of the works; (c) amount and substantiality of the portion used in relation to the whole work; (d) effect of the use on the current or potential market for or value of the work.
Preclusions (not part of school performance)	such use does not conflict with the normal exploitation of works and does not unreasonably prejudice the legitimate interests of the

<sup>3046</sup> Art. 87 (applying Arts. 23, 24, 25(1) to (3), 26 to 32, 33(2), 34, 35bis, 35ter, 36 and 37 mutatis mutandis to the use of performances, phonograms or broadcasts which are the objects of neighbouring rights).

<sup>3047</sup> Art. 37.

<sup>3048</sup> Art. 25(4).

<sup>3049</sup> Art. 25(5).

<sup>3050</sup> Art. 25(4).

<sup>3051</sup> Art. 87 (applying Arts. 23, 24, 25(1) to (3), 26 to 32, 33(2), 34, 35bis, 35ter, 36 and 37 mutatis mutandis to the use of performances, phonograms or broadcasts which are the objects of neighbouring rights).

	rightholders except in the cases pursuant to Articles 23 to 35bis and 101ter to 101quinquies
Subject to Attribution	source (in a manner deemed reasonable), author or pseudonym (if available) <sup>3052</sup>
Subject to Remuneration	not required ("It is permissible")

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 25(2)
Scope of broadcast/communication/recording	display, or [interactively] transmit, (including translation, arrangement, adaptation) <sup>3053</sup>
Type(s) of source work(s)	whole or parts of a work, (a performance, phonogram, broadcast), <sup>3054</sup> already made public
Entity exercising broadcast/communication/recording	schools established by special laws, the Early Childhood Education Act, the Elementary and Secondary Education Act, or the Higher Education Act; and educational supporting institutions affiliated to the State or local government
Purpose of broadcast/communication/recording	to support classes implemented in those educational institutions
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	whole work may be used if it is inevitable to use the work in whole in view of the character of the work, or the purpose and form etc., of such use  if an educational institution conducts interactive transmission, necessary measures such as those to prevent reproduction shall be prescribed by Presidential Decree to prevent infringement of copyrights and related rights <sup>3055</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source (in a manner deemed reasonable), author or pseudonym (if available) <sup>3056</sup>
Subject to Remuneration	except for high schools, their equivalents, or lower level schools, <sup>3057</sup> remuneration to be paid by person who intends to exploit work through to designated CMO, <sup>3058</sup> to be distributed to owner of property rights according to criteria

<sup>3052</sup> Art. 37.

<sup>3053</sup> Art. 36(1).

<sup>3054</sup> Art. 87 (applying Arts. 23, 24, 25(1) to (3), 26 to 32, 33(2), 34, 35bis, 35ter, 36 and 37 mutatis mutandis to the use of performances, phonograms or broadcasts which are the objects of neighbouring rights).

<sup>3055</sup> Art. 25(10).

<sup>3056</sup> Art. 37.

<sup>3057</sup> Art. 25(4).

<sup>3058</sup> Art. 25(5).

	determined and announced by the Minister of Culture, Sports and Tourism <sup>3059</sup>
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Provision	Art. 25(3)
Scope of broadcast/communication/recording	interactively transmit (including translation, arrangement, adaptation) <sup>3060</sup>
Type(s) of source work(s)	whole or parts of a work, (a performance, phonogram, broadcast), <sup>3061</sup> already made public
Entity exercising broadcast/communication/recording	a person who receives instruction in schools established by special laws, the Early Childhood Education Act, the Elementary and Secondary Education Act, or the Higher Education Act; and educational supporting institutions affiliated to the State or local government
Purpose of broadcast/communication/recording	recognized as necessary for the purpose of the lessons
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	whole work may be used if it is inevitable to use the work in whole in view of the character of the work, or the purpose and form etc., of such use
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source (in a manner deemed reasonable), author or pseudonym (if available) <sup>3062</sup>
Subject to Remuneration	not required ("A person who intends to exploit a work pursuant to paragraphs (1) and (2) shall pay...")

Provision	Art. 35ter
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	works, (performances, phonograms, broadcasts) <sup>3063</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	education and research
Condition of broadcast/communication/recording	to determine if use falls under paragraph (1) [fair use], following factors etc. shall be considered: (a) purposes and characters of the use, including whether such use is for profit; (b) category and nature of the works;

<sup>3059</sup> Art. 25(4).

<sup>3060</sup> Art. 36(1).

<sup>3061</sup> Art. 87 (applying Arts. 23, 24, 25(1) to (3), 26 to 32, 33(2), 34, 35bis, 35ter, 36 and 37 mutatis mutandis to the use of performances, phonograms or broadcasts which are the objects of neighbouring rights).

<sup>3062</sup> Art. 37.

<sup>3063</sup> Art. 87 (applying Arts. 23, 24, 25(1) to (3), 26 to 32, 33(2), 34, 35bis, 35ter, 36 and 37 mutatis mutandis to the use of performances, phonograms or broadcasts which are the objects of neighbouring rights).

	(c) amount and substantiality of the portion used in relation to the whole work; (d) effect of the use on the current or potential market for or value of the work.
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	such use does not conflict with the normal exploitation of works and does not unreasonably prejudice the legitimate interests of the rightholders except in the cases pursuant to Articles 23 to 35bis and 101ter to 101quinquies
Subject to Attribution	source (in a manner deemed reasonable), author or pseudonym (if available) <sup>3064</sup>
Subject to Remuneration	not required ("It is permissible")

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 104bis(1).1
Scope of TPM/RMI restriction	circumvent, by means such as removal and alteration, or bypassing, etc. and either intentionally or negligently, technological protection measures
Type(s) of source work(s)	works, etc.
Beneficiary exercising restriction	a person who is engaged in studying encryption
Purpose of restriction	circumvents technological protection measures to the extent it is necessary for studying any flaws or vulnerability in the encryption technology applied to the works
Condition of restriction	person has legitimately obtained a copy of the works, etc.  person has made considerable effort to obtain authorization for the use necessary for the study from the right holders, but in vain
Provision	Art. 104bis(1).5
Scope of TPM/RMI restriction	necessary to circumvent, by means such as removal and alteration, or bypassing, etc. and either intentionally or negligently, technological protection measures
Type(s) of source work(s)	works, etc.
Beneficiary exercising restriction	educational institutions and educational support institutions, libraries (limited to non-profit libraries) or archive management institutions
Purpose of restriction	to decide whether to purchase the works
Condition of restriction	applies only when any access thereto is impossible without circumventing technological protection measures
Provision	Art. 104bis(1).6

<sup>3064</sup> Art. 37.

Scope of TPM/RMI restriction	circumvent, by means such as removal and alteration, or bypassing, etc. and either intentionally or negligently, technological protection measures
Type(s) of source work(s)	a program
Beneficiary exercising restriction	a person who uses a program with legitimate authority
Purpose of restriction	decompilation of the program
Condition of restriction	to the extent necessary to attain compatibility with other programs

## Republic of Moldova

### 1. Treaties & Legislation

Treaties:

Berne Convention: November 2, 1995 (Paris Act (1971): November 2, 1995)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

Law No. 139 of July 2, 2010, on Copyright and Neighbouring Rights (as amended by Law No. 212 of July 29, 2016)

### 2. Private/Personal Use

Provision	Art. 26
Scope of private/personal use	reproduction
Type(s) of source work(s)	a lawfully published work, (performance, phonogram, videogram, broadcast, cable distribution) <sup>3065</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	for his own exclusive use
Condition of private/personal use	for purposes that are neither directly or indirectly commercial  reproduction would not contravene the normal use of the works and do not unduly prejudice the legitimate interests of the authors and other holders of copyright <sup>3066</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture in the form of a building or similar construction, a database, a computer program <sup>3067</sup> , a complete book, musical score or original of a work of plastic art, an audiovisual work during its public performance, any work on the basis of a copy or from a source about which the person that makes a reproduction knows, or, under the given circumstances, he has reasonable reasons to know, that it is illegal
Subject to Attribution	
Subject to Remuneration	equitable remuneration <sup>3068</sup> payable by equipment (sound recording, video recorders, drivers for recordable and re-recordable discs etc.) and media (blank tapes and cassettes, lasaer discs, compact discs, etc)

<sup>3065</sup> Art. 38.

<sup>3066</sup> Art. 24.

<sup>3067</sup> Art. 29 (excepting use of the computer program and for backup/archival, testing and interoperability purposes).

<sup>3068</sup> Art. 26(6) (providing that parties should negotiate, but remuneration shall not be less than 3% of resale price of equipment/media).

	producers/importers/distributors <sup>3069</sup> used for reproduction of audiovisual works/phonograms, <sup>3070</sup> through a CMO <sup>3071</sup> to authors, performers, producers of audiovisual works and phonograms <sup>3072</sup>
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### 3. Quotations

Provision	Art. 28(a)
Scope of quotation	short quotations in another work
Type(s) of source work(s)	a work or other subject-matter (related rights: performance, phonogram, videogram, broadcast, cable distribution) <sup>3073</sup> which has already been lawfully made available to the public
Entity exercising quotation	
Purpose of quotation	purposes such as criticism or review
Condition of quotation	use is in accordance with fair practice  use to the extent required by the specific purpose
Preclusions (not part of quotation)	use does not contravene normal use of works and does not unduly prejudice legitimate interests of authors/other holders of copyright <sup>3074</sup>
Subject to Attribution	source, author (unless impossible)
Subject to Remuneration	not required ("without payment of remuneration")

### 4. Research/Educational Reproduction

Provision	Art. 27(1)(c)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	isolated articles and other succinct works or of short extracts of literary works that have been lawfully published
Entity exercising reproduction	teaching establishments
Purpose of educational reproduction	purposes of study or research
Condition of reproduction	no direct or indirect economic or commercial advantage
Frequency/copies and limits	one copy  to the extent justified by the aim pursued

<sup>3069</sup> Art. 26(8)-(9) (holding the distributors obliged to make equitable remuneration if unable to present documents to CMOs necessary to verify that equitable remuneration has been duly paid).

<sup>3070</sup> Art. 26(3) (excepting equipment/media exported, professional equipment not intended for home recording or imported by natural person for his own exclusive use).

<sup>3071</sup> Art. 26(5)(a), (10).

<sup>3072</sup> Art. 26(5)(b), (12). Art. 26(10)(b) (providing the distribution to be – for audiovisual works and videograms: authors (40%), performers (30%), producers (30%), phonograms: authors (50%), performers (25%), producers (25%).)

<sup>3073</sup> Art. 38.

<sup>3074</sup> Art. 24 (as amended by Law No. 212 of July 29, 2016).

Preclusions (not part of research/educational reproduction)	except for computer programs
Subject to Attribution	source, author
Subject to Remuneration	not required ("without the payment of remuneration")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 28(b)
Scope of anthologies/compilations limitation/exception	use, by way of illustration in publications
Type(s) of source work(s)	works, (related rights: performances, phonograms, videograms, broadcasts, cable distributions) <sup>3075</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for teaching
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	to the extent justified by the non-commercial purpose to be achieved
Preclusions (not part of anthologies/compilations limitation/exception)	use does not contravene normal use of works and does not unduly prejudice legitimate interests of authors/other holders of copyright <sup>3076</sup>
Subject to Attribution	source, author (unless impossible)
Subject to Remuneration	not required ("without payment of remuneration")

Provision	Art. 28(j)
Scope of anthologies/compilations limitation/exception	use, during religious celebrations or national or international official celebrations
Type(s) of source work(s)	works, (related rights: performances, phonograms, videograms, broadcasts, cable distributions) <sup>3077</sup>
Entity exercising anthologies/compilations limitation/exception	public authorities
Purpose of anthologies/compilations limitation/exception	for educational and promotional purposes
Condition of anthologies/compilations limitation/exception	without obtaining an economic or commercial advantage
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

<sup>3075</sup> Art. 38.

<sup>3076</sup> Art. 24 (as amended by Law No. 212 of July 29, 2016).

<sup>3077</sup> Art. 38.



6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	Art. 28(p)
Scope of broadcast/communication/recording	use, by communication or interactive making available to the public, by dedicated terminals on the premises of entity
Type(s) of source work(s)	works, (related rights: performances, phonograms, videograms, broadcasts, cable distributions) <sup>3078</sup> contained in collections of entity
Entity exercising broadcast/communication/recording	(inter alia) teaching establishments <sup>3079</sup>
Purpose of broadcast/communication/recording	for purpose of research or private study, to individual members of the public
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	works, subject-matter not subject to purchase or licensing terms
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")
Provision	Art. 28(b)
Scope of broadcast/communication/recording	use, by way of illustration in broadcast or sound or visual recordings
Type(s) of source work(s)	works, (related rights: performances, phonograms, videograms, broadcasts, cable distributions) <sup>3080</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for teaching
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	to the extent justified by the non-commercial purpose to be achieved
Preclusions (not part of broadcast/communication/recording)	use does not contravene normal use of works and does not unduly prejudice legitimate interests of authors/other holders of copyright <sup>3081</sup>
Subject to Attribution	source, author (unless impossible)
Subject to Remuneration	not required ("without payment of remuneration")

<sup>3078</sup> Art. 38.<sup>3079</sup> Art. 27(1) encompasses libraries, archive services and teaching establishments.<sup>3080</sup> Art. 38.<sup>3081</sup> Art. 24 (as amended by Law No. 212 of July 29, 2016).

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 52(2)
Scope of TPM/RMI restriction	(in absence of voluntary measures taken by rightholders) intervention by Mediation and Arbitration Body to require rightholder who used effective technological measures in respect of his work/objects of related rights to make available means to the "beneficiaries" (and organization representing them) to the extent necessary to benefit from the exception /limitation
Type(s) of source work(s)	work/objects of related-rights (but not applicable to works/ objects of related-rights available to the public on contractual terms in an interactive mode <sup>3082</sup> )
Beneficiary exercising restriction	"beneficiaries": users who reproduce/use work/subject-matter for, <i>inter alia</i> , quotations (Art. 28(a)), for teaching purposes (Art. 28(b))
Purpose of restriction	
Condition of restriction	beneficiary to have legal access to protected work/objects of related rights

10. Other Limitations/Exceptions

Provision	Art. 31(4)
Scope of other limitation/exception	Any clauses in a copyright contract that are contrary to [provisions of this Law] <sup>3083</sup> shall be deemed null and void, and the conditions set out in this Law shall apply in place thereof
Type(s) of source work(s)	
Entity entitled to limitation/exception	
Purpose of limitation/exception	
Condition of limitation/exception	
Frequency/copies and limits	
Preclusions (not part of limitation/exception)	

<sup>3082</sup> Art. 52(4), taken from EU Copyright Directive 2001/29, Art. 6(4).

<sup>3083</sup> There is some doubt as to whether "provisions of this Law" refers to the Moldovan copyright legislation, or this particular provision – Art. 31 – which deals with the conditions and forms of copyright contracts and the terms that can be contained therein.

## Romania

### 1. Treaties & Legislation

Treaties:

Berne Convention: January 1, 1927 (Paris Act (1971): September 9, 1998)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

Law No. 8 of March 14, 1996 on Copyright and Neighboring Rights

### 2. Private/Personal Use

Provision	Art. 34
Scope of private/personal use	reproduction
Type(s) of source work(s)	a work that has already been disclosed to the public, (a performance, sound recording/phonogram, audiovisual recording) <sup>3084</sup>
Entity exercising private/personal use	
Purpose of private/personal use	personal use or for use by a normal family circle
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	“reproduction does not contravene [...] the normal use of the work or prejudice the author or the owner of the utilization rights”
Subject to Attribution	
Subject to Remuneration	compensatory remuneration by levy on manufacturer/importer <sup>3085</sup> of media on which reproductions of sound/audiovisual recordings and works graphically expressed can be made and apparatus dedicated for copying <sup>3086</sup> , payable to CMOs, <sup>3087</sup> for distribution to authors, performers, publishers, producers

Provision	Art. 35(a)
Scope of private/personal use	alteration
Type(s) of source work(s)	a work, (a performance, sound recording/phonogram, audiovisual recording) <sup>3088</sup>
Entity exercising private/personal use	
Purpose of private/personal use	alteration made privately
Condition of private/personal use	neither intended for nor made available to the public
Frequency/copies and limits	

<sup>3084</sup> Art. 112 (applying limitations in Arts. 33-38 to related rights).

<sup>3085</sup> Art. 107.

<sup>3086</sup> Art. 34(2).

<sup>3087</sup> Art. 107<sup>1</sup> (one CMO for works reproduced by sound and audiovisual recording and another for works reproduced from paper). The distribution mechanisms are spelt out in Art. 107<sup>2</sup>.

<sup>3088</sup> Art. 112 (applying limitations in Arts. 33-38 to related rights).

Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

### 3. Quotations

Provision	Art. 33(1)(b)
Scope of quotation	use of brief quotations
Type(s) of source work(s)	a work already disclosed to the public, (a performance, sound recording/phonogram, audiovisual recording) <sup>3089</sup>
Entity exercising quotation	
Purpose of quotation	analysis, commentary or criticism, or for illustration
Condition of quotation	to the extent justified by use
Preclusions (not part of quotation)	
Subject to Attribution	source, author (unless infeasible) <sup>3090</sup>
Subject to Remuneration	not required ("without payment of remuneration")

### 4. Research/Educational Reproduction

Provision	Art. 33(2)(d)
Scope of research/educational reproduction	reproduction, "distribution" <sup>3091</sup>
Type(s) of source work(s)	a work, (a performance, sound recording/phonogram, audiovisual recording) <sup>3092</sup>
Entity exercising reproduction	
Purpose of educational reproduction	illustration for teaching or scientific research
Condition of reproduction	neither direct nor indirect commercial or economic advantage
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (unless infeasible) <sup>3093</sup>
Subject to Remuneration	not required ("are allowed")

Provision	Art. 33(1)(e)
Scope of research/educational reproduction	specific acts of reproduction
Type(s) of source work(s)	a work, , (a performance, sound recording/phonogram, audiovisual recording) <sup>3094</sup>

<sup>3089</sup> Art. 112 (applying limitations in Arts. 33-38 to related rights).

<sup>3090</sup> Art. 33(4).

<sup>3091</sup> Art. 14<sup>1</sup>(1) (defining "distribution" as the sale or any other manner of transmittal, for a consideration or free of charge, of the original or of copies of a work, as well as their offering to the public).

<sup>3092</sup> Art. 112 (applying limitations in Arts. 33-38 to related rights).

<sup>3093</sup> Art. 33(4).

<sup>3094</sup> Art. 112 (applying limitations in Arts. 33-38 to related rights).

Entity exercising reproduction	[inter alia] educational establishments
Purpose of educational reproduction	not for direct or indirect economic or commercial advantage
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (unless infeasible) <sup>3095</sup>
Subject to Remuneration	not required ("without payment of remuneration")

Provision	Art. 35(d)
Scope of research/educational reproduction	alteration
Type(s) of source work(s)	a work, (a performance, sound recording/phonogram, audiovisual recording) <sup>3096</sup>
Entity exercising reproduction	
Purpose of educational reproduction	a short review of the work by didactic purpose
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	author
Subject to Remuneration	not required ("without payment of remuneration")

##### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 33(1)(c)
Scope of anthologies/compilations limitation/exception	use, in publications
Type(s) of source work(s)	isolated articles or brief excerpts from works, (performances, sound recordings/phonograms, audiovisual recordings) <sup>3097</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	exclusively intended for teaching purposes and also the reproduction for teaching purposes, within the framework of public education or social welfare institutions
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	extent justified by the intended purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (unless infeasible) <sup>3098</sup>

<sup>3095</sup> Art. 33(4).

<sup>3096</sup> Art. 112 (applying limitations in Arts. 33-38 to related rights).

<sup>3097</sup> Art. 112 (applying limitations in Arts. 33-38 to related rights).

<sup>3098</sup> Art. 33(4).

Subject to Remuneration	not required ("without payment of remuneration")
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## 6. School Performances

Provision	Art. 33(1)(g)
Scope of school performance	representation and execution
Type(s) of source work(s)	a work, (a performance, sound recording/phonogram, audiovisual recording) <sup>3099</sup>
Entity exercising school performance	
Purpose of school performance	as part of the activities of educational establishments exclusively for specific purposes
Condition of school performance	both the representation or execution and the public's access are free of charge
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

## 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 33(1)(c)
Scope of broadcast/communication/recording	use, in television or radio broadcasts or sound or audiovisual recordings
Type(s) of source work(s)	isolated articles or brief excerpts from works, (performances, sound recordings/phonograms, audiovisual recordings) <sup>3100</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	exclusively intended for teaching purposes and also the reproduction for teaching purposes, within the framework of public education or social welfare institutions
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	extent justified by the intended purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (unless infeasible) <sup>3101</sup>
Subject to Remuneration	not required ("without payment of remuneration")

Provision	Art. 33(2)(d)
Scope of broadcast/communication/recording	broadcasting or communication to the public

<sup>3099</sup> Art. 112 (applying limitations in Arts. 33-38 to related rights).

<sup>3100</sup> Art. 112 (applying limitations in Arts. 33-38 to related rights).

<sup>3101</sup> Art. 33(4).

Type(s) of source work(s)	works, (performances, sound recordings/phonograms, audiovisual recordings) <sup>3102</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	illustration for teaching or scientific research
Condition of broadcast/communication/recording	neither direct nor indirect commercial or economic advantage
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (unless infeasible) <sup>3103</sup>
Subject to Remuneration	not required ("are allowed")

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 138 <sup>5</sup>
Scope of TPM/RMI restriction	(in absence of voluntary measures taken by rightholders) intervention by Mediation and Arbitration Body to require rightholder who used effective technological measures in respect of his work/objects of related rights to make available means to the "beneficiaries" (and organization representing them) to the extent necessary to benefit from the exception /limitation
Type(s) of source work(s)	work/objects of related-rights (but not applicable to works/ objects of related-rights available to the public on contractual terms in an interactive mode <sup>3104</sup> )
Beneficiary exercising restriction	"beneficiaries": users who reproduce/use work/subject-matter for, <i>inter alia</i> , quotations (Art. 28(a)), for teaching purposes (Art. 28(b))
Purpose of restriction	
Condition of restriction	beneficiary to have legal access to protected work/objects of related rights

<sup>3102</sup> Art. 112 (applying limitations in Arts. 33-38 to related rights).

<sup>3103</sup> Art. 33(4).

<sup>3104</sup> Art. 52(4), taken from EU Copyright Directive 2001/29, Art. 6(4).

## Russian Federation

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 13, 1995 (Paris Act (1971): March 13, 1995)

WIPO Copyright Treaty: February 5, 2009

WIPO Performances and Phonograms Treaty: February 5, 2009

Legislation:

Civil Code of the Russian Federation No 358-F3, Part IV (with amendments up to up to Federal Law No. 314-FZ of July 3, 2016)

### 2. Private/Personal Use

Provision	Art. 1273
Scope of private/personal use	reproduce
Type(s) of source work(s)	a work lawfully made available to the public, (objects of related rights e.g. performances, phonograms, broadcasts <sup>3105</sup> ) <sup>3106</sup>
Entity exercising private/personal use	a physical person
Purpose of private/personal use	for exclusively personal purposes
Condition of private/personal use	
Frequency/copies and limits	to the extent of his needs
Preclusions (not part of private/personal use)	works of architecture in the form of buildings and analogous structures, reprographic reproduction, i.e. facsimile reproduction, of entire books and of sheet music by any technological means other than for the purpose of publication, databases or their significant parts, computer programs <sup>3107</sup> , video recording of audiovisual works in case of their public performance at a place open to the public or at a place where there are a significant number of persons present not belonging to the usual circle of a family, reproduction of an audiovisual work with the use of professional equipment not meant for use in domestic conditions  limitation does not conflict with a normal exploitation of the works/objects of related rights and do not unreasonably prejudice the legitimate interests of the rightholders <sup>3108</sup>
Subject to Attribution	
Subject to Remuneration	phonograms and audiovisual works: remuneration of a compensatory character

<sup>3105</sup> Art. 1304.

<sup>3106</sup> Art. 1306.

<sup>3107</sup> Art. 1280 (excepting use of the computer program and for study/backup/archival/interoperability purposes).

<sup>3108</sup> Art. 1229.5 3<sup>rd</sup> sentence.



	payable by manufacturers and importers of equipment and material carriers <sup>3109</sup> used for such reproduction, to an accredited CMO, to be distributed to authors, performers and producers of phonograms or audiovisual works <sup>3110</sup>
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### 3. Quotations

Provision	Art. 1274.1(1)
Scope of quotation	quotation in the original language and in translation
Type(s) of source work(s)	works lawfully made available to the public including reproduction of excerpts from newspaper and magazine articles in the form of press surveys, (objects of related rights e.g. performances, phonograms, broadcasts <sup>3111</sup> ) <sup>3112</sup>
Entity exercising quotation	
Purpose of quotation	for scientific, polemical, critical or information purposes, for the purpose of expression of the author's creative ideas
Condition of quotation	
Preclusions (not part of quotation)	limitation does not conflict with a normal exploitation of the works/objects of related rights and do not unreasonably prejudice the legitimate interests of the rightholders <sup>3113</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

### 4. Research/Educational Reproduction

Provision	Art. 1275.6
Scope of research/educational reproduction	copies, including in electronic form
Type(s) of source work(s)	individual articles or succinct works lawfully published in collections, newspapers or other periodicals
Entity exercising reproduction	educational institutions
Purpose of educational reproduction	
Condition of reproduction	for non-profit purposes
Frequency/copies and limits	only short extracts from other lawfully published written works (with or without illustrations)
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

<sup>3109</sup> Art. 1245(4) (excluding equipment and material carriers that are produced for export and from manufacturers and importers of professional equipment not designed for domestic use).

<sup>3110</sup> Art. 1245.

<sup>3111</sup> Art. 1304.

<sup>3112</sup> Art. 1306.

<sup>3113</sup> Art. 1229.5 3<sup>rd</sup> sentence.

5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 1274.1(2)
Scope of anthologies/compilations limitation/exception	use as illustrations in publications
Type(s) of source work(s)	excerpts of works lawfully made available to the public, (objects of related rights e.g. performances, phonograms, broadcasts <sup>3114</sup> ) <sup>3115</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	an educational nature
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	in an amount justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	limitation does not conflict with a normal exploitation of the works/objects of related rights and do not unreasonably prejudice the legitimate interests of the rightholders <sup>3116</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

6. School Performances

Provision	Art. 1274.1(6)
Scope of school performance	public performance by their presentation in a live performance
Type(s) of source work(s)	lawfully published works
Entity exercising school performance	educational institutions, health care organizations, social service organizations and institutions of the penal system
Purpose of school performance	
Condition of school performance	carried out without the purpose of profit  audience comprising employees (staff) of these organizations and institutions and individuals, respectively, served by these organizations or detained in those facilities
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 1274.1(2)
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<sup>3114</sup> Art. 1304.<sup>3115</sup> Art. 1306.<sup>3116</sup> Art. 1229.5 3<sup>rd</sup> sentence.

Scope of broadcast/communication/recording	use, and excerpts, illustrations in radio and television broadcasts, and sound and video recordings
Type(s) of source work(s)	works lawfully made available to the public, (objects of related rights e.g. performances, phonograms, broadcasts <sup>3117</sup> ) <sup>3118</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	an educational nature
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	in an amount justified by the purpose
Preclusions (not part of broadcast/communication/recording)	limitation does not conflict with a normal exploitation of the works/objects of related rights and do not unreasonably prejudice the legitimate interests of the rightholders <sup>3119</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 1229.4
Scope of TPM/RMI restriction	require author or rightholder who used technological measures in respect of his work/object of related rights to remove the limitation of use of the work for the "beneficiaries"
Type(s) of source work(s)	work/object of related rights <sup>3120</sup>
Beneficiary exercising restriction	"beneficiaries": person who wishes to use the work/object of related rights in a way that is permitted by the Code without the consent of the author or rightholder, where such use cannot take place due to the application of the technological measure
Purpose of restriction	
Condition of restriction	

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<sup>3117</sup> Art. 1304.<sup>3118</sup> Art. 1306.<sup>3119</sup> Art. 1229.5 3<sup>rd</sup> sentence.<sup>3120</sup> Art. 1309.

## Rwanda

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 1, 1984 (Paris Act (1971): March 1, 1984)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

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

### 2. Private/Personal Use

Provision	Art. 203
Scope of private/personal use	private reproduction
Type(s) of source work(s)	a published work
Entity exercising private/personal use	a natural person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture in the form of building or other similar constructions, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a digital database, computer program <sup>3121</sup> , any work where "reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the owner of copyright"
Subject to Attribution	
Subject to Remuneration	not required ("without payment of any remuneration")

Provision	Art. 247(1)
Scope of private/personal use	use
Type(s) of source work(s)	a performance, phonogram or broadcast
Entity exercising private/personal use	
Purpose of private/personal use	personal purposes
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("without any remuneration")

<sup>3121</sup> Art. 211 (excepting use of the computer program and for backup/archival purposes; Art. 203 referring to Art. 178 [sic]).

### 3. Quotations

Provision	Arts. 205, 247(5)
Scope of quotation	reproduction
Type(s) of source work(s)	a short part of a published work, (a performance, phonogram, broadcast) <sup>3122</sup>
Entity exercising quotation	
Purpose of quotation	in the form of quotation
Condition of quotation	reproduction is compatible with fair practice reproduction does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	published work: source, author (if indicated on source)
Subject to Remuneration	not required ("without payment of any remuneration")

### 4. Research/Educational Reproduction

Provision	Art. 206(1)
Scope of research/educational reproduction	use, by way of illustration
Type(s) of source work(s)	a lawfully published work, (a performance, phonogram, broadcast) <sup>3123</sup>
Entity exercising reproduction	
Purpose of educational reproduction	teaching purposes
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if practicable)
Subject to Remuneration	not required ("permitted ... without the authorization of the author or other owner of copyright")

Provision	Art. 206(2)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	various articles lawfully published in magazines or gazettes, short extracts of works obtained lawfully or a short creative work lawfully published
Entity exercising reproduction	
Purpose of educational reproduction	teaching or for examinations in educational institutions
Condition of reproduction	do not serve direct or indirect commercial gain
Frequency/copies and limits	to the extent justified by the purpose

<sup>3122</sup> Art. 247(5).

<sup>3123</sup> Art. 247(6) (applying exceptions or limitations to enable a work to be used without the authorisation of author or copyright owner to free use of related rights).

Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if practicable)
Subject to Remuneration	not required ("permitted ... without the authorization of the author or other owner of copyright")

Provision	Art. 247(3)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising reproduction	
Purpose of educational reproduction	scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without any remuneration")

Provision	Art. 247(4)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising reproduction	
Purpose of educational reproduction	solely for face-to-face teaching activities
Condition of reproduction	except for performances and phonograms published as teaching or instructional materials
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without any remuneration")

## 5. Educational Publications/Anthologies/Compilations/Composite Works

## 6. School Performances

Provision	Art. 213(2)
Scope of school performance	publicly perform
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast) <sup>3124</sup>
Entity exercising school performance	
Purpose of school performance	teaching activities of a teaching establishment
Condition of school performance	only the staff and students or the parents of students or other people so linked directly to activities of the establishment are entitled to attend to a such performance

<sup>3124</sup> Art. 247(6) (applying exceptions or limitations to enable a work to be used without the authorisation of author or copyright owner to free use of related rights).

Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 206(1)
Scope of broadcast/communication/recording	use, by way of broadcasting or sound or visual recordings
Type(s) of source work(s)	lawfully published work, (a performance, phonogram, broadcast) <sup>3125</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching purposes
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if practicable)
Subject to Remuneration	not required ("permitted ... without the authorization of the author or other owner of copyright")

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	Arts. 238, 239
Nature of compulsory licence for translation for educational purposes	non-exclusive, non-transferable <sup>3126</sup> compulsory licence, for translation into one or two (Kinyarwanda, French and English) languages, and publication in printed or analogous forms of reproduction in Rwanda <sup>3127</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>3128</sup> no digital dissemination <sup>3129</sup>

<sup>3125</sup> Art. 247(6) (applying exceptions or limitations to enable a work to be used without the authorisation of author or copyright owner to free use of related rights).

<sup>3126</sup> Art. 238.

<sup>3127</sup> Art. 239 para. 7 (possibly erroneously referring to Arts. 241 and 242 when it should refer to Arts. 239 and 241).

<sup>3128</sup> Art. 238 ("in printed or analogous forms of reproduction"); Art. 6.36 (defining "reproduction" as "the making of one or more copies of a work or phonogram, or a part of both, in any manner or form, including recording of sounds and images, permanent or temporary storage of the work or phonogram in electronic form").

<sup>3129</sup> No references made in Arts. 238, 239 to "communication to the public". See Art. 6.3 (defining "communication to the public" as "the transmission with or without wires images, sound, or both, of a work, a performance, a song or a phonogram in such a way that the images or sounds can be perceived by persons outside the normal circle of a family and its closest social acquaintances at a place or places so distant from the place where the transmission originates that, without the transmission, the images or sounds would not be perceivable and, further, irrespective of whether the persons can receive the images or sounds at the same place and time, or at different places and at different times individually chosen by them;").

Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	works published in printed or analogous forms of reproduction <sup>3130</sup>
Licence applicant/entity	any person <sup>3131</sup>
Purpose of licence	purpose of teaching, scholarship or research <sup>3132</sup>
Condition of licence	<p>licence application may be made: 3 years from first publication (where translation of work has not been published in Rwanda in Kinyarwanda, French and English by owner of translation right or with his authorisation), or if all editions of translation in language concerned are out of print<sup>3133</sup></p> <p>licence applicant has requested and been denied authorisation by owner of right of translation, or was unable to find owner after due diligence, despite sending request to Minister in charge of culture, publisher or to the empowered authority<sup>3134</sup></p> <p>a further period of 6 months has lapsed from date licence applicant complies with licence requirements<sup>3135</sup></p> <p>no licence shall be granted if, during further period, a translation into said language has been published by or with authorisation of owner<sup>3136</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>3137</sup></p> <p>on all copies of the published translation are printed: the name of author and original title<sup>3138</sup></p> <p>empowered authority to ensure a correct translation of work<sup>3139</sup></p> <p>subject to licensee's sale of existing copies, licence terminated if translation right owner has published or authorised the publishing of</p>

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<sup>3130</sup> Art. 238 para. 1.

<sup>3131</sup> Art. 238 paras. 1, 2.

<sup>3132</sup> Art. 238 para. 3.

<sup>3133</sup> Art. 238 para. 2.

<sup>3134</sup> Art. 239 para. 1.

<sup>3135</sup> Art. 239 para. 2.

<sup>3136</sup> Art. 239 para. 2.

<sup>3137</sup> Art. 239 para. 4.

<sup>3138</sup> Art. 239 para. 5.

<sup>3139</sup> Art. 239 para. 6.



	translated work, at a price reasonably related to that normally charged for comparable works <sup>3140</sup>
Compulsory licence fee(s)	beneficiary of compulsory licence to pay just compensation to owner of right, consistent with normally payable standards of royalties <sup>3141</sup>
Price of publication	
Distribution conditions	copies of translated work may not be exported <sup>3142</sup>
Grantor of compulsory licence	Minister

Provision	Arts. 240, 241
Nature of compulsory licence for reproduction for educational purposes	non-exclusive, non-transferable <sup>3143</sup> compulsory licence, for reproduction in Rwanda <sup>3144</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction <sup>3145</sup> digital publication <sup>3146</sup> no digital dissemination <sup>3147</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	works (including translations, but only if they are published by owner of right of translation or with his authorization) <sup>3148</sup> published in printed or analogous forms of reproduction <sup>3149</sup>
Licence applicant/entity	any person <sup>3150</sup>
Purpose of licence	general public interest, university teaching or in connection with systematic instructional activities <sup>3151</sup>
Condition of licence	licence application may be made: 3 years from first publication (works of the natural and physical sciences and of technology) <sup>3152</sup> 7 years from first publication (works of fiction, poetry, drama and music, and for art books) <sup>3153</sup>

<sup>3140</sup> Art. 239 para. 3.

<sup>3141</sup> Art. 239 para. 6.

<sup>3142</sup> Art. 239 para. 7.

<sup>3143</sup> Art. 240 para. 1.

<sup>3144</sup> Art. 239 para. 7 (possibly erroneously referring to Arts. 241 and 242 when it should refer to Arts. 239 and 241).

<sup>3145</sup> Art. 6.36 (defining "reproduction" as "the making of one or more copies of a work or phonogram, or a part of both, in any manner or form, including recording of sounds and images, permanent or temporary storage of the work or phonogram in electronic form"). Art. 240 para. 4 describes the licence as one for "reproduction and publication". In relation to licences for translations, cf. Art. 238 ("in printed or analogous forms of reproduction").

<sup>3146</sup> *Id.*

<sup>3147</sup> No references made in Arts. 238, 239 to "communication to the public". See Art. 6.3 (defining "communication to the public" as "the transmission with or without wires images, sound, or both, of a work, a performance, a song or a phonogram in such a way that the images or sounds can be perceived by persons outside the normal circle of a family and its closest social acquaintances at a place or places so distant from the place where the transmission originates that, without the transmission, the images or sounds would not be perceivable and, further, irrespective of whether the persons can receive the images or sounds at the same place and time, or at different places and at different times individually chosen by them;").

<sup>3148</sup> Art. 241 para. 4.

<sup>3149</sup> Art. 240 para. 1.

<sup>3150</sup> Art. 240 paras. 1, 3.

<sup>3151</sup> Art. 240 para. 5.

<sup>3152</sup> Art. 240 para. 2 (a).

<sup>3153</sup> Art. 240 para. 2 (b).

	<p>5 year from first publication (all other works)<sup>3154</sup>, or after expiration of above period, no authorized copies of that edition have been on sale for 6 months at a price reasonably related to that normally charged for comparable works<sup>3155</sup></p> <p>licence applicant has requested and been denied authorisation by owner of right of translation [sic], or was unable to find owner after due diligence, despite sending request to publisher, Minister in charge of culture or to any empowered authority<sup>3156</sup></p> <p>a further period of 6 months has lapsed from date licence applicant complies with licence requirements<sup>3157</sup></p> <p>no licence shall be granted if, during further period, copies of work have been distributed by or with authorisation of owner [of right of translation [sic]]<sup>3158</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>3159</sup></p> <p>on all copies of the published translation are printed: the name of author and original title<sup>3160</sup></p> <p>subject to licensee's sale of existing copies, licence terminated if reproduction right owner has published or authorised the publishing of work, at a price reasonably related to that normally charged for comparable works<sup>3161</sup></p>
Compulsory licence fee(s)	
Price of publication	at a price reasonably related to that normally charged for comparable works or a lower price <sup>3162</sup>
Distribution conditions	copies of translated work may not be exported <sup>3163</sup>
Grantor of compulsory licence	empowered authority

## 9. TPM/RMI Exceptions for Educational Purposes

<sup>3154</sup> Art. 240 para. 2(c).

<sup>3155</sup> Art. 240 para. 4.

<sup>3156</sup> Art. 241 para. 1.

<sup>3157</sup> Art. 241 para. 2.

<sup>3158</sup> Art. 241 para. 2.

<sup>3159</sup> Art. 241 para. 4.

<sup>3160</sup> Art. 239 para. 5 (possibly erroneous in that it referred to a grant of license under Arts. 238 and 239, when it probably meant Arts. 239 and 241).

<sup>3161</sup> Art. 241 para. 3.

<sup>3162</sup> Art. 240 para. 3.

<sup>3163</sup> S 18(1)(d), (e).

Provision	Art. 269
Scope of TPM/RMI restriction	upon request by beneficiary or licensee, competent tribunal may order rightholder who used effective technological measures in respect of his work to make available necessary means to enable beneficiaries to benefit from limitation/exception
Type(s) of source work(s)	work or object of related right
Beneficiary exercising restriction	"beneficiaries or licensees as stipulated in Art. 203 (private reproduction for personal purposes)
Purpose of restriction	
Condition of restriction	to extent strictly required to enable beneficiary to benefit from Art. 203

## Saint Kitts and Nevis

### 1. Treaties & Legislation

Treaties:

Berne Convention: April 9, 1995 (Paris Act (1971): April 9, 1995)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act (Cap. 18.08)

### 2. Private/Personal Use

Provision	ss 52, 54
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, published edition, (adaptation of literary, dramatic or musical work) <sup>3164</sup>
Entity exercising private/personal use	
Purpose of private/personal use	research or private study
Condition of private/personal use	to determine if act constitutes fair dealing, court shall take into account all factors which appear to it to be relevant, including: (a) the nature of the work in question; (b) the extent and substantially of that part of the work affected by the act in relation to the whole of the work; (c) the purpose and character of the use; (d) the effect of the act upon the potential market for, or commercial value of, the work.
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

### 3. Quotations

Provision	ss 53(1), 54, 118(a)
Scope of quotation	fair dealing
Type(s) of source work(s)	a protected work, (adaptation of literary, dramatic or musical work), <sup>3165</sup> (performance or recording) <sup>3166</sup>
Entity exercising quotation	

<sup>3164</sup> S 85.

<sup>3165</sup> S 85.

<sup>3166</sup> S 118(a).

Purpose of quotation	criticism or review of that or another work, (performance or recording) or of a performance of a work
Condition of quotation	to determine if act constitutes fair dealing, court shall take into account all factors which appear to it to be relevant, including: (a) the nature of the work in question; (b) the extent and substantially of that part of the work affected by the act in relation to the whole of the work; (c) the purpose and character of the use; (d) the effect of the act upon the potential market for, or commercial value of, the work.
Preclusions (not part of quotation)	
Subject to Attribution	work: title, author (unless anonymous or author unascertainable by reasonable inquiry for unpublished work) <sup>3167</sup>
Subject to Remuneration	

#### 4. Research/Educational Reproduction

Provision	s 56(1)
Scope of research/educational reproduction	copying (non-reprographic process)
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, (adaptation of literary, dramatic or musical work) <sup>3168</sup>
Entity exercising reproduction	a person giving or receiving instruction
Purpose of educational reproduction	in the course of instruction or of preparation for instruction
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3169</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... shall not be infringed")

Provision	s 56(2)
Scope of research/educational reproduction	copying by making a film or film soundtrack
Type(s) of source work(s)	a sound recording, film, broadcast or cable programme
Entity exercising reproduction	a person giving or receiving instruction
Purpose of educational reproduction	making a film or film soundtrack in the course of instruction

<sup>3167</sup> S 51 (defining "sufficient acknowledgment").

<sup>3168</sup> S 85.

<sup>3169</sup> S 60.

Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3170</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... shall not be infringed")

Provision	s 56(3)
Scope of research/educational reproduction	anything done
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, , (adaptation of literary, dramatic or musical work) <sup>3171</sup>
Entity exercising reproduction	
Purpose of educational reproduction	purposes of an examination by way of setting the questions, communicating the questions to candidates or answering the questions
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3172</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... shall not be infringed")

Provision	s 120(1)(a)
Scope of research/educational reproduction	copying
Type(s) of source work(s)	a recording of a performance
Entity exercising reproduction	person giving or receiving instructions
Purpose of educational reproduction	course of instruction, or of preparation for instruction, in the making of films or film soundtracks
Condition of reproduction	
Frequency/copies and limits	recording made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3173</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... shall not be infringed")

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<sup>3170</sup> S 60.

<sup>3171</sup> S 85.

<sup>3172</sup> S 60.

<sup>3173</sup> S 120(2), (3).

Provision	s 120(1)(b)
Scope of research/educational reproduction	copying
Type(s) of source work(s)	a recording of a performance
Entity exercising reproduction	
Purpose of educational reproduction	purpose of setting or answering the questions in an examination
Condition of reproduction	
Frequency/copies and limits	recording made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3174</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... shall not be infringed")

Provision	s 59
Scope of research/educational reproduction	reprographic copies
Type(s) of source work(s)	passages from published literary, dramatic or musical works, (adaptations of literary, dramatic or musical works) <sup>3175</sup>
Entity exercising reproduction	made by or on behalf of an educational establishment
Purpose of educational reproduction	purposes of instruction
Condition of reproduction	no copying if, or to extent that, licences are available authorizing copying and person making copies knows or ought to have been aware of licences <sup>3176</sup>  any term of a 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 <sup>3177</sup>
Frequency/copies and limits	not more than 5% of any work in any quarter of the year <sup>3178</sup>  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3179</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without infringing any copyright")

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<sup>3174</sup> S 120(2), (3).

<sup>3175</sup> S 85.

<sup>3176</sup> S 59(3).

<sup>3177</sup> S 59(4).

<sup>3178</sup> S 59(2).

<sup>3179</sup> S 60.

**5. Educational Publications/Anthologies/Compilations/Composite Works**

Provision	s 57
Scope of anthologies/compilations limitation/exception	inclusion, in a collection
Type(s) of source work(s)	a short passage from a published literary or dramatic work, (adaptation of literary, dramatic work) <sup>3180</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for use in educational establishments
Condition of anthologies/compilations limitation/exception	collection is so described in its title and in any publisher's advertisement  collection consists mainly of material in which no copyright subsists  source work itself is not intended for use in educational establishments
Frequency/copies and limits	not more than 2 excerpts from works by same author <sup>3181</sup> to be contained in collections by same publisher within 5 year period <sup>3182</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title, author (unless anonymous or author unascertainable by reasonable inquiry for unpublished work) <sup>3183</sup>
Subject to Remuneration	not required ("shall not infringe copyright")

**6. School Performances**

Provision	ss 79, 125
Scope of school performance	play
Type(s) of source work(s)	a sound recording
Entity exercising school performance	a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare
Purpose of school performance	as part of the activities of, or for the benefit of [entity]
Condition of school performance	proceeds of any charge for admission to the place where the recording is to be heard are

<sup>3180</sup> S 85.<sup>3181</sup> S 57(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion).<sup>3182</sup> S 57(2).<sup>3183</sup> S 51 (defining "sufficient acknowledgment").



	applied solely for the purposes of the organization
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not be an infringement")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 58
Scope of broadcast/communication/recording	a recording or a copy of the recording
Type(s) of source work(s)	a broadcast or cable programme
Entity exercising broadcast/communication/recording	by or on behalf of an educational establishment
Purpose of broadcast/communication/recording	
Condition of broadcast/communication/recording	no recording if certified licensing scheme under s 102 providing for grant of licences <sup>3184</sup>
Frequency/limits of broadcast/communication/recording	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3185</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("without infringing the copyright in the broadcast or cable programme or in any work included in it")

Provision	s 121
Scope of broadcast/communication/recording	recording or a copy of the recording
Type(s) of source work(s)	a broadcast or cable programme or a copy of the recording
Entity exercising broadcast/communication/recording	by or on behalf of an educational establishment
Purpose of broadcast/communication/recording	for its educational purposes
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	reprographic copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3186</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	

<sup>3184</sup> S 104 goes on to provide that in considering what charges, if any, are to be paid for a licence for the recording by or on behalf of educational establishments of broadcasts or cable programmes which includes copyright works, or the making of copies of such recordings, for educational purposes, the High Court shall have regard to the extent to which the owners of copyright in the works included in the broadcast or cable programme have already received, or are entitled to receive, payment in respect of their inclusion.

<sup>3185</sup> S 60.

<sup>3186</sup> S 120(2).

Subject to Remuneration	not required ("without infringing any of the [neighbouring] rights")
Provision	s 120(1)(c)
Scope of broadcast/communication/recording	anything done
Type(s) of source work(s)	[a recording or a performance]
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	communicating the questions to candidates
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	recording made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3187</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... shall not be infringed")

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

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<sup>3187</sup> S 120(2), (3).

## Saint Lucia

### 1. Treaties & Legislation

Treaties:

Berne Convention: August 24, 1993 (Paris Act (1971): August 24, 1993)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

Copyright Act (No. 10 of 1995), as amended by the Copyright (Amendment) Act 2000, No. 7 of 2000

### 2. Private/Personal Use

Provision	s 56(1)
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a protected work, <sup>3188</sup> (an adaptation of a literary, dramatic or musical work) <sup>3189</sup>
Entity exercising private/personal use	
Purpose of private/personal use	research or private study
Condition of private/personal use	to determine if act is fair dealing, court shall take account of all factors which appear to it to be relevant, including: (a) the nature of the work in question; (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work; (c) the effect of the act upon the potential market for or commercial value of the work <sup>3190</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	copying by a person other than the researcher or student himself: (a) a librarian or person acting on behalf of a librarian: doing anything not permitted by regulations (articles or parts of published works: restriction on multiple copies of same material under ss 69, 70) <sup>3191</sup> (b) any other case: 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 <sup>3192</sup>
Subject to Attribution	

<sup>3188</sup> s 3(1) (defining a work as including a literary, dramatic, musical or artistic work, a sound recording, film, broadcast or cable program and the typographical arrangement of a published edition).

<sup>3189</sup> s 87.

<sup>3190</sup> s 58.

<sup>3191</sup> s 56(2)(a).

<sup>3192</sup> s 56(2)(b)

Subject to Remuneration	not required ("does not infringe copyright")
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Provision	s 115(1)
Scope of private/personal use	recording
Type(s) of source work(s)	whole or any substantial part of a performance
Entity exercising private/personal use	
Purpose of private/personal use	private and domestic use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("[does not] infringe[] the [recording] rights")

### 3. Quotations

Provision	ss 57(1), 127(a)
Scope of quotation	fair dealing
Type(s) of source work(s)	a work <sup>3193</sup> , (an adaptation of a literary, dramatic or musical work), <sup>3194</sup> (a performance or recording) <sup>3195</sup>
Entity exercising quotation	
Purpose of quotation	criticism or review, of source work/performance/recording or another work/performance/recording or of a performance of source work
Condition of quotation	to determine if act is fair dealing, court shall take account of all factors which appear to it to be relevant, including: (a) the nature of the work/performance/recording in question; (b) the extent and substantiality of that part of the work/performance/recording affected by the act in relation to the whole of the work/performance/recording; (c) the effect of the act upon the potential market for or commercial value of the work/performance/recording <sup>3196</sup>
Preclusions (not part of quotation)	
Subject to Attribution	title or other description, author (unless anonymous or author has previously indicated it was not required) <sup>3197</sup>
Subject to Remuneration	not required ("does not infringe any copyright")

<sup>3193</sup> s 3(1) (defining a work as including a literary, dramatic, musical or artistic work, a sound recording, film, broadcast or cable program and the typographical arrangement of a published edition).

<sup>3194</sup> s 87.

<sup>3195</sup> s 127.

<sup>3196</sup> s 58.

<sup>3197</sup> s 55 (defining "sufficient acknowledgment").

4. Research/Educational Reproduction

Provision	ss 62(1)
Scope of research/educational reproduction	copying
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, (an adaptation of a literary, dramatic or musical work) <sup>3198</sup>
Entity exercising reproduction	a person giving or receiving instruction
Purpose of educational reproduction	in the course of instruction or of preparation for instruction
Condition of reproduction	
Frequency/copies and limits	copying is not by means of a reprographic process  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3199</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")

Provision	s 62(2)
Scope of research/educational reproduction	copying by making a film or film sound-track
Type(s) of source work(s)	a sound recording, film, broadcast or cable programme
Entity exercising reproduction	a person giving or receiving instruction
Purpose of educational reproduction	in the course of instruction or of preparation for instruction in the making of films or film sound-tracks
Condition of reproduction	
Frequency/copies and limits	copying is done by the person giving or receiving instruction  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3200</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")

Provision	s 129(1)
Scope of research/educational reproduction	copying
Type(s) of source work(s)	a recording of a performance
Entity exercising reproduction	a person giving or receiving instruction

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<sup>3198</sup> s 87.

<sup>3199</sup> S 67.

<sup>3200</sup> S 67.

Purpose of educational reproduction	in the course of instruction or of preparation for instruction in the making of films or film sound-tracks
Condition of reproduction	
Frequency/copies and limits	copying is done by the person giving or receiving instruction  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3201</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... are not infringed")

Provision	s 62(3)
Scope of research/educational reproduction	anything done
Type(s) of source work(s)	a work, <sup>3202</sup> (an adaptation of a literary, dramatic or musical work) <sup>3203</sup>
Entity exercising reproduction	
Purpose of educational reproduction	an examination by way of setting the questions, communicating the questions to candidates or answering the questions
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3204</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")

Provision	s 129(2)(a)
Scope of research/educational reproduction	copying
Type(s) of source work(s)	a recording of a performance
Entity exercising reproduction	
Purpose of educational reproduction	purposes of an examination, by setting the questions, communicating the questions to candidates or answering the questions
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3205</sup>
Preclusions (not part of research/educational reproduction)	

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<sup>3201</sup> S 129(4).

<sup>3202</sup> s 3(1) (defining a work as including a literary, dramatic, musical or artistic work, a sound recording, film, broadcast or cable program and the typographical arrangement of a published edition).

<sup>3203</sup> s 87.

<sup>3204</sup> S 67.

<sup>3205</sup> S 67.

Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... are not infringed")

Provision	s 129(2)(b)
Scope of research/educational reproduction	anything done
Type(s) of source work(s)	
Entity exercising reproduction	
Purpose of educational reproduction	purposes of an examination, by setting the questions, communicating the questions to candidates or answering the questions
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3206</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... are not infringed")

Provision	s 66
Scope of research/educational reproduction	reprographic copies
Type(s) of source work(s)	passages from published literary, dramatic or musical works, (adaptations of literary, dramatic or musical works) <sup>3207</sup>
Entity exercising reproduction	made by or on behalf of an educational establishment
Purpose of educational reproduction	purposes of instruction
Condition of reproduction	no copying if licences under licensing schemes are available authorizing copying and person making copies knows or ought to have been aware of licences <sup>3208</sup>
Frequency/copies and limits	not more than 1% of any work per quarter <sup>3209</sup>  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3210</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without infringing any copyright")

## 5. Educational Publications/Anthologies/Compilations/Composite Works

<sup>3206</sup> S 67.

<sup>3207</sup> s 87.

<sup>3208</sup> S 67(3).

<sup>3209</sup> s 66(2).

<sup>3210</sup> S 67.

Provision	s 63
Scope of anthologies/compilations limitation/exception	inclusion, in a collection
Type(s) of source work(s)	a short passage from a published literary or dramatic work, (an adaptation of a literary, dramatic work) <sup>3211</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	collection for use in educational institutions
Condition of anthologies/compilations limitation/exception	collection is so described in its title and in any publisher's advertisement  source work was not itself published for the use of educational institutions  collection consists mainly of material in which no copyright subsists
Frequency/copies and limits	no more than 2 passage/part from works by same author <sup>3212</sup> are published by same publisher within 5 year period <sup>3213</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title or other description, author (unless anonymous or author has previously indicated it was not required) <sup>3214</sup>
Subject to Remuneration	not required ("does not infringe copyright")

## 6. School Performances

Provision	s 64(1)
Scope of school performance	performance
Type(s) of source work(s)	a literary, dramatic or musical work, (an adaptation of a literary, dramatic or musical work) <sup>3215</sup>
Entity exercising school performance	
Purpose of school performance	by a teacher in the course of the activities of the establishment, or at the educational establishment for the purposes of instruction
Condition of school performance	an audience consisting of teachers and pupils at an educational establishment and other persons "directly connected" <sup>3216</sup> with the activities of the establishment

<sup>3211</sup> s 87.

<sup>3212</sup> S 63(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion).

<sup>3213</sup> S 63(2).

<sup>3214</sup> s 55 (defining "sufficient acknowledgment").

<sup>3215</sup> s 87.

<sup>3216</sup> s 64(3) (stating that a person is not directly connected with the activities of the educational establishment simply because he is the parent of a pupil at the establishment).



Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("is not a public performance")

Provision	s 64(2)
Scope of school performance	playing or showing
Type(s) of source work(s)	a sound recording, film, broadcast or cable programme
Entity exercising school performance	
Purpose of school performance	for the purposes of instruction
Condition of school performance	an audience consisting of teachers and pupils at an educational establishment and other persons "directly connected" <sup>3217</sup> with the activities of the establishment
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("is not a playing or showing of the work in public")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 65
Scope of broadcast/communication/recording	recording, or copy of such a recording
Type(s) of source work(s)	a broadcast or cable broadcasts, programme or a copy of such a recording (and any work included in it, (an adaptation of a literary, dramatic or musical work included in it) <sup>3218</sup> )
Entity exercising broadcast/communication/recording	by or on behalf of an educational establishment
Purpose of broadcast/communication/recording	for its educational purposes
Condition of broadcast/communication/recording	no recording if licensing scheme <sup>3219</sup> with available licences authorizing making of such recordings or copies, and person making recordings knows or ought to have been aware of that fact <sup>3220</sup>
Frequency/limits of broadcast/communication/recording	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3221</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	

<sup>3217</sup> s 64(3) (stating that a person is not directly connected with the activities of the educational establishment simply because he is the parent of a pupil at the establishment).

<sup>3218</sup> s 87.

<sup>3219</sup> See s 106 (licences for educational establishments in respect of works included in broadcasts or cable programmes).

<sup>3220</sup> s 65(2).

<sup>3221</sup> S 67.

Subject to Remuneration	not required ("without ... infringing the copyright")
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Provision	s 130
Scope of broadcast/communication/recording	recording, or copy of such a recording
Type(s) of source work(s)	a broadcast or cable broadcasts, programme or a copy of such a recording (and any performance or recording included in it)
Entity exercising broadcast/communication/recording	by or on behalf of an educational establishment
Purpose of broadcast/communication/recording	for its educational purposes
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3222</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("without ... infringing any of the [neighbouring] rights")

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

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<sup>3222</sup> S 130(2).

## Saint Vincent and the Grenadines

### 1. Treaties & Legislation

Treaties:

Berne Convention: August 29, 1995 (Paris Act (1971): August 29, 1995)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: February 12, 2011

Legislation:

Copyright Act 2003 (Act No. 21 of 2003)

### 2. Private/Personal Use

Provision	ss 50(1), 52
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a literary, dramatic, musical or artistic work (or published edition), (adaptation of a literary, dramatic or musical work) <sup>3223</sup>
Entity exercising private/personal use	
Purpose of private/personal use	research or private study
Condition of private/personal use	to determine if act constitutes fair dealing, court shall take account of all factors which appear to it to be relevant, including: (a) the nature of the work in question; (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work; (c) the purpose and character of the use; and (d) the effect of the act upon the potential market for, or the commercial value of, the work. <sup>3224</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	person (not researcher or student) <sup>3225</sup> 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 <sup>3226</sup>
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

### 3. Quotations

Provision	ss 51, 52, 110
Scope of quotation	fair dealing

<sup>3223</sup> s 81.

<sup>3224</sup> S 52.

<sup>3225</sup> Copying by a person other than the researcher or student under s 50 will trigger the preclusion from the exception.

<sup>3226</sup> S 50(2)(b).

Type(s) of source work(s)	a work, (an adaptation of a literary, dramatic or musical work), <sup>3227</sup> (performance, recording) <sup>3228</sup>
Entity exercising quotation	
Purpose of quotation	for purposes of criticism or review of that work, (performance, recording,) or of performance of a work
Condition of quotation	to determine if act constitutes fair dealing, court shall take account of all factors which appear to it to be relevant, including: (a) the nature of the work/performance/recording in question; (b) the extent and substantiality of that part of the work/performance/recording affected by the act in relation to the whole of the work/performance/recording; (c) the purpose and character of the use; and (d) the effect of the act upon the potential market for, or the commercial value of, the work/performance/recording. <sup>3229</sup>
Preclusions (not part of quotation)	
Subject to Attribution	work: title of work (or other description), name of author (unless anonymous or author agreed or required that no acknowledgement be made) <sup>3230</sup>
Subject to Remuneration	not required ("does not infringe any copyright/[neighbouring] rights")

#### 4. Research/Educational Reproduction

Provision	ss 50(1), 52
Scope of research/educational reproduction	fair dealing
Type(s) of source work(s)	a literary, dramatic, musical or artistic work (or published edition), (adaptation of a literary, dramatic or musical work) <sup>3231</sup>
Entity exercising reproduction	
Purpose of educational reproduction	research or private study
Condition of reproduction	to determine if act constitutes fair dealing, court shall take account of all factors which appear to it to be relevant, including: (a) the nature of the work in question; (b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work; (c) the purpose and character of the use; and (d) the effect of the act upon the potential market for, or the commercial value of, the work. <sup>3232</sup>

<sup>3227</sup> s 81.

<sup>3228</sup> S 110.

<sup>3229</sup> S 52.

<sup>3230</sup> S 55 (defining "sufficient acknowledgment").

<sup>3231</sup> s 81.

<sup>3232</sup> S 52.

Frequency/copies and limits	person (not researcher or student) <sup>3233</sup> 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 <sup>3234</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")
Provision	s 56(1)
Scope of research/educational reproduction	copying (not by means of a reprographic process)
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, (adaptation of a literary, dramatic or musical work) <sup>3235</sup>
Entity exercising reproduction	a person giving or receiving instruction
Purpose of educational reproduction	in the course of instruction or of preparation for instruction
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3236</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")
Provision	s 56(2)
Scope of research/educational reproduction	copying by making a film or film sound-track
Type(s) of source work(s)	a sound recording, film, broadcast or cable programme
Entity exercising reproduction	a person giving or receiving instruction
Purpose of educational reproduction	in the course of instruction or of preparation for instruction, in the making of films or film sound-tracks
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3237</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")
Provision	s 56(3)
Scope of research/educational reproduction	anything done
Type(s) of source work(s)	
Entity exercising reproduction	

<sup>3233</sup> Copying by a person other than the researcher or student under s 50 will trigger the preclusion from the exception.

<sup>3234</sup> S 50(2)(b).

<sup>3235</sup> s 81.

<sup>3236</sup> S 61.

<sup>3237</sup> S 61.

Purpose of educational reproduction	an examination by way of setting the questions, communicating the questions to candidates or answering the questions
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3238</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")
Provision	s 60
Scope of research/educational reproduction	reprographic copies <sup>3239</sup>
Type(s) of source work(s)	passages from published literary, dramatic or musical works, (adaptation of literary, dramatic or musical works) <sup>3240</sup>
Entity exercising reproduction	by or on behalf of an educational establishment
Purpose of educational reproduction	instruction
Condition of reproduction	no copying if licences under licensing scheme are available authorizing copying and person making copies knows or ought to have been aware of licences <sup>3241</sup>  any term of a licence <sup>3242</sup> 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 <sup>3243</sup>
Frequency/copies and limits	not more than 1% of any work in any quarter of the year <sup>3244</sup>  copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3245</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without infringing any copyright")
Provision	s 111(1)
Scope of research/educational reproduction	copying
Type(s) of source work(s)	a recording of a performance
Entity exercising reproduction	a person giving or receiving instruction

<sup>3238</sup> S 61.<sup>3239</sup> S 2(1) (defining "reprographic process" as a process (a) for making facsimile copies, or (b) involving the use of an appliance for making multiple copies, and, in relation to a work held in electronic form, includes any copying by electronic means, but does not include the making of a film or sound recording).<sup>3240</sup> s 81.<sup>3241</sup> S 60(3).<sup>3242</sup> S 97 (prescribing the considerations by a court in relation to licensing of reprographic copying of published literary, dramatic, musical or artistic works, or typographical arrangements of published editions).<sup>3243</sup> S 60(4).<sup>3244</sup> S 60(2).<sup>3245</sup> S 61.

Purpose of educational reproduction	in the course of instruction, or of preparation for instruction, in the making of films or film sound-tracks
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3246</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... are not infringed")

Provision	s 111(2)(a)
Scope of research/educational reproduction	copying of a recording
Type(s) of source work(s)	a performance, (a recording)
Entity exercising reproduction	
Purpose of educational reproduction	setting or answering questions in an examination, or for purposes of an examination
Condition of reproduction	
Frequency/copies and limits	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3247</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... are not infringed")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 57
Scope of anthologies/compilations limitation/exception	inclusion in collection
Type(s) of source work(s)	a short passage from a published literary or dramatic work, (adaptation of a literary, dramatic work) <sup>3248</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for use in educational establishments
Condition of anthologies/compilations limitation/exception	collection to be described and advised as being for use in educational establishments  work was not itself published for use of educational establishments  collection consists mainly of material in which no copyright subsists

<sup>3246</sup> S 111(3).

<sup>3247</sup> S 111(3).

<sup>3248</sup> s 81.

Frequency/copies and limits	no more than 2 extracts from works by same author <sup>3249</sup> are contained in collections by same publisher within 5 year period <sup>3250</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title, author (unless anonymous or author has previously agreed/required no acknowledgement) <sup>3251</sup>
Subject to Remuneration	not required ("does not infringe copyright")

## 6. School Performances

Provision	s 58(1)
Scope of school performance	performance
Type(s) of source work(s)	a literary, dramatic or musical work, (adaptation of a literary, dramatic or musical work) <sup>3252</sup>
Entity exercising school performance	by a teacher or pupil, or at the institution by any person for the purposes of instruction
Purpose of school performance	in the course of the activities of the establishment or for the purposes of instruction
Condition of school performance	audience consisting of teachers and pupils at an educational institution and other "persons directly connected" <sup>3253</sup> with the activities of the establishment
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("is not a public programme")

Provision	s 58(2)
Scope of school performance	playing or showing
Type(s) of source work(s)	a sound recording, film, broadcast or cable program
Entity exercising school performance	
Purpose of school performance	for the purposes of instruction
Condition of school performance	audience consisting of teachers and pupils at an educational institution and other "persons directly connected" <sup>3254</sup> with the activities of the establishment
Preclusions (not part of school performance)	
Subject to Attribution	

<sup>3249</sup> S 57(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion).

<sup>3250</sup> S 57(1)(e), (2).

<sup>3251</sup> S 49 (defining "sufficient acknowledgement").

<sup>3252</sup> s 81.

<sup>3253</sup> S 58(3) (excluding parents of pupils per se from "persons directly connected with the activities of the educational establishment").

<sup>3254</sup> S 58(3) (excluding parents of pupils per se from "persons directly connected with the activities of the educational establishment").



Subject to Remuneration	not required ("is not a playing or showing of the work in public")
Provision	s 116
Scope of school performance	play
Type(s) of source work(s)	a sound recording
Entity exercising school performance	a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare
Purpose of school performance	as part of the activities of, or for the benefit of [entity]
Condition of school performance	proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement of any [neighbouring] rights")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	ss 59, 112 <sup>3255</sup>
Scope of broadcast/communication/recording	recording
Type(s) of source work(s)	broadcast or cable programme or copy of such a recording
Entity exercising broadcast/communication/recording	by or on behalf of educational institution
Purpose of broadcast/communication/recording	for educational purposes of educational institution
Condition of broadcast/communication/recording	no recording if, or to extent that, licensing scheme <sup>3256</sup> under which licences are available authorising making of such recordings or copies, and person making recordings knows or ought to have been aware <sup>3257</sup>
Frequency/limits of broadcast/communication/recording	copies of recording made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3258</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	

<sup>3255</sup> S 59 exempts from infringement the copyright in the broadcast or cable programme and any work included in it; s 112 exempts from infringement the rights of performance and recording.

<sup>3256</sup> See s 98.

<sup>3257</sup> S 63(2).

<sup>3258</sup> Ss 61, 112(2).

Subject to Remuneration	not required ("without ... infringing the copyright") <sup>3259</sup>
Provision	s 111(2)(b)
Scope of broadcast/communication/recording	anything done by way of communicating the questions to the candidates
Type(s) of source work(s)	a performance or a recording of a performance
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for the purposes of an examination
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	copies made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>3260</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring] rights ... are not infringed")

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

<sup>3259</sup> S 98 (providing that where references or applications are made relating to licences for the recording by or on behalf of educational establishments of broadcasts or cable programmes which include copyright works, or the making of copies of such recordings for educational purposes, special considerations will be given by the Court regarding the licence charges payable by educational establishments).

<sup>3260</sup> S 111(3).

## Samoa

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 21, 2006 (Paris Act (1971): July 21, 2006)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act 1998 (as consolidated in 2011)

### 2. Private/Personal Use

Provision	s 8
Scope of private/personal use	private reproduction
Type(s) of source work(s)	a published work
Entity exercising private/personal use	a physical person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture in the form of building or other construction, whole or substantial part of a database, computer program <sup>3261</sup> , any work where "reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or other owner of copyright"
Subject to Attribution	
Subject to Remuneration	not required ("without the authorisation of the author or owner")

Provision	s 24(a)
Scope of private/personal use	use
Type(s) of source work(s)	a performance, a sound recording
Entity exercising private/personal use	a physical person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] do[] not apply")

Provision	s 8A
Scope of private/personal use	reproduction

<sup>3261</sup> S 13 (excepting use of the computer program and for backup/archival purposes).

Type(s) of source work(s)	a work
Entity exercising private/personal use	
Purpose of private/personal use	private study
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	if person reproducing the work 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
Subject to Attribution	
Subject to Remuneration	not required ("not to be regarded as infringing any of the copyright")

### 3. Quotations

Provision	s 9
Scope of quotation	reproduction
Type(s) of source work(s)	a short part of a published work, (a performance, a sound recording) <sup>3262</sup>
Entity exercising quotation	
Purpose of quotation	in the form of quotation
Condition of quotation	reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("permitted without authorisation")

### 4. Research/Educational Reproduction

Provision	s 8A
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a work
Entity exercising reproduction	
Purpose of educational reproduction	research
Condition of reproduction	
Frequency/copies and limits	if person reproducing the work 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
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("not to be regarded as infringing any of the copyright")
Provision	s 24(c)

<sup>3262</sup> S 24(d).

Scope of research/educational reproduction	use
Type(s) of source work(s)	a performance, a sound recording <sup>3263</sup>
Entity exercising reproduction	
Purpose of educational reproduction	scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] do[] not apply")
Provision	s 10(1)(b)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	published articles, other short works or short extracts of works
Entity exercising reproduction	
Purpose of educational reproduction	face-to-face teaching in educational institutions
Condition of reproduction	activities of which do not serve direct or indirect commercial gain  no collective licence available by competent authority in the collective management of rights under which such reproduction can be made of which educational institution is or should be aware
Frequency/copies and limits	reproduction to the extent justified by the purpose  reproduction is an isolated one; if repeated, each occurrence be separate and unrelated
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (all copies if practicable)
Subject to Remuneration	not required ("permitted without authorisation")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 10(1)(a)
Scope of anthologies/compilations limitation/exception	reproduction, by way of illustration, in writings
Type(s) of source work(s)	a short part of a published work, (a performance, a sound recording) <sup>3264</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	teaching purposes
Condition of anthologies/compilations limitation/exception	reproduction is compatible with fair practice

<sup>3263</sup> S 24(a).

<sup>3264</sup> S 24(d).

Frequency/copies and limits	reproduction does not exceed the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (all copies if practicable)
Subject to Remuneration	not required ("permitted without authorisation")

6. School Performances

Provision	s 24(c)
Scope of school performance	use
Type(s) of source work(s)	a performance, a sound recording
Entity exercising school performance	
Purpose of school performance	face-to-face teaching activities or for scientific research
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] do[] not apply")

7. Educational Broadcasts/Communications/Recordings

Provision	s 10(1)(a)
Scope of broadcast/communication/recording	reproduction, by way of illustration, in sound or visual recordings
Type(s) of source work(s)	a short part of a published work, (a performance, a sound recording) <sup>3265</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching purposes
Condition of broadcast/communication/recording	reproduction is compatible with fair practice
Frequency/limits of broadcast/communication/recording	reproduction does not exceed the extent justified by the purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (all copies if practicable)
Subject to Remuneration	not required ("permitted without authorisation")
Provision	s 24(c)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	a performance, a sound recording
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	face-to-face teaching activities or for scientific research

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<sup>3265</sup> S 24(d).

Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] do[] not apply")

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

## San Marino

### 1. Treaties & Legislation

Treaties:

Berne Convention: not a party

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law No. 8 of 25 January 1991 - Protection of Copyright, as amended by Law No. 43 of 22 February 2006

### 2. Private/Personal Use

Provision	Art. 98(a)
Scope of private/personal use	representation
Type(s) of source work(s)	a previously disseminated work <sup>3266</sup>
Entity exercising private/personal use	
Purpose of private/personal use	private, made within the family or among friends
Condition of private/personal use	free of charge
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be free")

Provision	Art. 98(b)
Scope of private/personal use	copies or reproductions
Type(s) of source work(s)	a previously disseminated work <sup>3267</sup>
Entity exercising private/personal use	
Purpose of private/personal use	private use by the copyist and not destined to collective use, except for copies of works intended to be used for purposes identical to those for which the original work was created
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be free")

<sup>3266</sup> Art. 5 (defining work as referring to literary, dramatic, musical or artistic works, sound recordings and audiovisual works and models and drawings). Copyright protection has been extended to artists and performers of the work. Provisions Supplementing Law No. 8 of 25 January 1991 – Copyright Protection, Law No. 63 of 24 June 1997. Presumably, the “works” of artists and performers will be subject to the same limitations and exceptions in Chapter VII of Law No. 8 of 25 January 1991.

<sup>3267</sup> Art. 5 (defining work as referring to literary, dramatic, musical or artistic works, sound recordings and audiovisual works and models and drawings).



3. Quotations

Provision	Art. 98(c)
Scope of quotation	analysis and brief quotation
Type(s) of source work(s)	other works <sup>3268</sup>
Entity exercising quotation	
Purpose of quotation	justified by the critical, polemic, pedagogic, scientific or informative character of the work in which they are included
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be free")

4. Research/Educational Reproduction
5. Educational Publications/Anthologies/Compilations/Composite Works
6. School Performances
7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

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<sup>3268</sup> Art. 5 (defining work as referring to literary, dramatic, musical or artistic works, sound recordings and audiovisual works and models and drawings).

## Sao Tome and Principe

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 14, 2016 (Paris Act (1971): June 14, 2016)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

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

### 2. Private/Personal Use

Provision	Art. 75.2(a)
Scope of private/personal use	reproduction on paper or similar medium, effected by any kind of photographic technique or process with similar results, [and distribution of copies lawfully reproduced to extent justified by purpose] <sup>3269</sup>
Type(s) of source work(s)	a work, (performance, phonogram, videogram, broadcast) <sup>3270</sup>
Entity exercising private/personal use	
Purpose of private/personal use	for private use only
Condition of private/personal use	without direct or indirect commercial purposes
Frequency/copies and limits	
Preclusions (not part of private/personal use)	sheet music  uses should not affect the normal exploitation of the work, nor cause unjustified prejudice of the legitimate interests of the author <sup>3271</sup>
Subject to Attribution	source, author, publisher and other circumstances <sup>3272</sup>
Subject to Remuneration	fair remuneration payable to author and to publisher <sup>3273</sup>  levy on sale price of all mechanical, electrical, electronic, or other mechanical devices which permit the fixation and reproduction of the works and of any and all material support of fixations and reproductions which by any means of such means may be obtained, to benefit authors, performers, publishers and phonograph and videographic producers <sup>3274</sup>

<sup>3269</sup> Art. 75.3.

<sup>3270</sup> Art. 187.1(a).

<sup>3271</sup> Art. 75.4.

<sup>3272</sup> Art. 76.1(a)

<sup>3273</sup> Art. 76.1(b).

<sup>3274</sup> Art. 82.

Provision	Art. 75.2(a)
Scope of private/personal use	[non-reprographic] reproduction in any medium, [and distribution of copies lawfully reproduced to extent justified by purpose] <sup>3275</sup>
Type(s) of source work(s)	a work, (performance, phonogram, videogram, broadcast) <sup>3276</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	for private use only
Condition of private/personal use	without direct or indirect commercial purposes
Frequency/copies and limits	
Preclusions (not part of private/personal use)	uses should not affect the normal exploitation of the work, nor cause unjustified prejudice of the legitimate interests of the author <sup>3277</sup>
Subject to Attribution	source, author, publisher and other circumstances <sup>3278</sup>
Subject to Remuneration	fair remuneration payable to author and to publisher <sup>3279</sup>  levy on sale price of all mechanical, electrical, electronic, or other mechanical devices which permit the fixation and reproduction of the works and of any and all material support of fixations and reproductions which by any means of such means may be obtained, to benefit authors, performers, publishers and phonograph and videographic producers <sup>3280</sup>
Provision	Art. 81(b)
Scope of private/personal use	reproduction
Type(s) of source work(s)	works not yet commercially available or obtainable, (performances, phonograms, videograms, broadcasts) <sup>3281</sup>
Entity exercising private/personal use	
Purpose of private/personal use	for private use only
Condition of private/personal use	cannot be used for any purpose of public communication or commercialization
Frequency/copies and limits	
Preclusions (not part of private/personal use)	provided it does not reach the normal exploitation of the work and does not cause an unjustified prejudice of the author's legitimate interests
Subject to Attribution	
Subject to Remuneration	not required ("shall be permitted")

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<sup>3275</sup> Art. 75.3.

<sup>3276</sup> Art. 187.1(a).

<sup>3277</sup> Art. 75.4.

<sup>3278</sup> Art. 76.1(a)

<sup>3279</sup> Art. 76.1(b).

<sup>3280</sup> Art. 82.

<sup>3281</sup> Art. 187.1(a). Quaere: the types of broadcasts which are not yet commercially available or obtainable must be quite narrow e.g. broadcasts before their release window.

3. Quotations

Provision	Art. 75.2(g)
Scope of quotation	insertion of citations or summaries
Type(s) of source work(s)	works of others, whatever their kind and nature, (performances, phonograms, videograms, broadcasts) <sup>3282</sup>
Entity exercising quotation	
Purpose of quotation	in support of their own doctrines or for purposes of criticism, discussion or teaching
Condition of quotation	to extent justified by objective to be achieved  works quoted/cited should not be confused with source works <sup>3283</sup>
Preclusions (not part of quotation)	works reproduced/quoted/cited should not be so extensive as to prejudice interest in source works <sup>3284</sup>  uses should not affect the normal exploitation of the work, nor cause unjustified prejudice of the legitimate interests of the author <sup>3285</sup>
Subject to Attribution	source, author, publisher and other circumstances <sup>3286</sup>
Subject to Remuneration	not required ("free uses") <sup>3287</sup>

Provision	Art. 77.1
Scope of quotation	reproduction of simple references to chapters, paragraphs or pages, in a separate commentary or own annotations
Type(s) of source work(s)	other people's works, (performances, phonograms, videograms, broadcasts) <sup>3288</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	

4. Research/Educational Reproduction

Provision	Art. 75.2(e)
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<sup>3282</sup> Art. 187.1(b).<sup>3283</sup> Art. 76.2.<sup>3284</sup> Art. 76.2.<sup>3285</sup> Art. 75.4.<sup>3286</sup> Art. 76.1(a).<sup>3287</sup> Art. 76.1.<sup>3288</sup> Art. 187.1(f), 187.3.

Scope of research/educational reproduction	reproduction, in whole or in part, [and distribution of copies lawfully reproduced to extent justified by purpose] <sup>3289</sup>
Type(s) of source work(s)	a published work, (performance, phonogram, videogram, broadcast) <sup>3290</sup>
Entity exercising reproduction	a public library, a public archives, a public museum, a non-commercial documentation center or a scientific institution or teaching
Purpose of educational reproduction	
Condition of reproduction	reproduction and number of copies are not intended for the public  reproduction limited to the needs of the activities of those institutions  reproduction not intended to confer a direct or indirect economic or commercial advantage  works reproduced should not be confused with source works <sup>3291</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	works reproduced should not be so extensive as to prejudice interest in source works <sup>3292</sup>  uses should not affect the normal exploitation of the work, nor cause unjustified prejudice of the legitimate interests of the author <sup>3293</sup>
Subject to Attribution	source, author, publisher and other circumstances <sup>3294</sup>
Subject to Remuneration	fair remuneration payable to author and to publisher <sup>3295</sup>  levy on sale price of all mechanical, electrical, electronic, or other mechanical devices which permit the fixation and reproduction of the works and of any and all material support of fixations and reproductions which by any means of such means may be obtained, to benefit authors, performers, publishers and phonograph and videographic producers <sup>3296</sup>
Provision	Art. 75.2(f)

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<sup>3289</sup> Art. 75.3.

<sup>3290</sup> Art. 187.1(f), 187.3.

<sup>3291</sup> Art. 76.2.

<sup>3292</sup> Art. 76.2.

<sup>3293</sup> Art. 75.4.

<sup>3294</sup> Art. 76.1(a).

<sup>3295</sup> Art. 76.1(b).

<sup>3296</sup> Art. 82.

Scope of research/educational reproduction	reproduction, distribution <sup>3297</sup> [of copies lawfully reproduced to extent justified by purpose] <sup>3298</sup> and public availability
Type(s) of source work(s)	parts of a published work, (performance, phonogram, videogram, broadcast) <sup>3299</sup>
Entity exercising reproduction	teaching and education establishments
Purpose of educational reproduction	teaching and education purposes
Condition of reproduction	not intended to obtain an economic or commercial advantage, direct or indirect  works reproduced should not be confused with source works <sup>3300</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	works reproduced should not be so extensive as to prejudice interest in source works <sup>3301</sup>  uses should not affect the normal exploitation of the work, nor cause unjustified prejudice of the legitimate interests of the author <sup>3302</sup>
Subject to Attribution	source, author, publisher and other circumstances <sup>3303</sup>
Subject to Remuneration	levy on sale price of all mechanical, electrical, electronic, or other mechanical devices which permit the fixation and reproduction of the works and of any and all material support of fixations and reproductions which by any means of such means may be obtained, to benefit authors, performers, publishers and phonograph and videographic producers <sup>3304</sup>
Provision	Art. 81(a)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	works not yet commercially available or obtainable, (performances, phonograms, videograms, broadcasts) <sup>3305</sup>
Entity exercising reproduction	
Purpose of educational reproduction	sole purpose of scientific or humanitarian interests
Condition of reproduction	for the time necessary for their use
Frequency/copies and limits	a single copy
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be permitted")

<sup>3297</sup> Art. 68.2(f) (defining "distribution" as "Any form of distribution of the original or copies of the work, such as sale, rental or lending;").

<sup>3298</sup> Art. 75.3.

<sup>3299</sup> Art. 187.1(f), 187.3.

<sup>3300</sup> Art. 76.2.

<sup>3301</sup> Art. 76.2.

<sup>3302</sup> Art. 75.4.

<sup>3303</sup> Art. 76.1(a).

<sup>3304</sup> Art. 82.

<sup>3305</sup> Art. 187.1(f), 187.3.

Provision	Art. 187.1(c)
Scope of research/educational reproduction	use
Type(s) of source work(s)	performances, phonograms, videograms, broadcasts
Entity exercising reproduction	
Purpose of educational reproduction	exclusively for scientific or pedagogical purposes
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("protection [as to related rights] ... shall not cover")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 75.2(h)
Scope of anthologies/compilations limitation/exception	inclusion in own works, [and distribution of copies lawfully reproduced to extent justified by purpose] <sup>3306</sup>
Type(s) of source work(s)	short pieces or fragments of others' works, (performances, phonograms, videograms, broadcasts) <sup>3307</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	works intended for teaching
Condition of anthologies/compilations limitation/exception	works reproduced/quoted should not be confused with source works <sup>3308</sup>
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	works reproduced/quoted/cited should not be so extensive as to prejudice interest in source works <sup>3309</sup>  uses should not affect the normal exploitation of the work, nor cause unjustified prejudice of the legitimate interests of the author <sup>3310</sup>
Subject to Attribution	source, author, publisher and other circumstances <sup>3311</sup>
Subject to Remuneration	fair remuneration payable to author and to publisher <sup>3312</sup>

<sup>3306</sup> Art. 75.3.

<sup>3307</sup> Art. 187.1(f), 187.3.

<sup>3308</sup> Art. 76.2.

<sup>3309</sup> Art. 76.2.

<sup>3310</sup> Art. 75.4.

<sup>3311</sup> Art. 76.1(a).

<sup>3312</sup> Art. 76.1(c).

	levy on sale price of all mechanical, electrical, electronic, or other mechanical devices which permit the fixation and reproduction of the works and of any and all material support of fixations and reproductions which by any means of such means may be obtained, to benefit authors, performers, publishers and phonograph and videographic producers <sup>3313</sup>
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6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	Art. 75.2(n)
Scope of broadcast/communication/recording	communication or making available to public, by terminals intended for research or personal studies in premises of entity
Type(s) of source work(s)	protected works, (performances, phonograms, videograms, broadcasts) <sup>3314</sup> not subject to conditions of purchase or licensing, as part of collection of entity
Entity exercising broadcast/communication/recording	libraries, museums, public archives and schools
Purpose of broadcast/communication/recording	purpose of research or personal studies, of individual members of the public
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	uses should not affect the normal exploitation of the work, nor cause unjustified prejudice of the legitimate interests of the author <sup>3315</sup>
Subject to Attribution	source, author, publisher and other circumstances <sup>3316</sup>
Subject to Remuneration	not required ("free uses") <sup>3317</sup>

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 221
Scope of TPM/RMI restriction	owner to deposit with Office, means to enable beneficiary to benefit from legally permitted forms of use, <sup>3318</sup> and to adopt voluntary measures between owners/holders and

<sup>3313</sup> Art. 82.<sup>3314</sup> Art. 187.1(f), 187.3.<sup>3315</sup> Art. 75.4.<sup>3316</sup> Art. 76.1(a).<sup>3317</sup> Art. 76.1.<sup>3318</sup> Art. 221.1.



	interested beneficiaries, <sup>3319</sup> for which beneficiary who is prevented or restricted from use or enjoyment of free use has right to apply, via Commission for Mediation and Arbitration, to access said means <sup>3320</sup>
Type(s) of source work(s)	legally accessed protected objects of copyright (excepting protected works, services or productions made available to the public following an agreement between holders and users, in such a way that users can access them from a place and at a time chosen by him) <sup>3321</sup>
Beneficiary exercising restriction	“beneficiaries”: persons entitled to use work/object of related rights pursuant to limitations as to, <i>inter alia</i> , private use (Art. 75.2(a), 81(b)), teaching and education (Art. 75.2(f), (n)), scientific or humanitarian purposes (Art. 81(a)) (excepting the application of effective technological measures that limit the number of authorized reproductions relating to private use)
Purpose of restriction	effective technological measures shall not constitute an obstacle to the normal exercise by beneficiaries of the free uses
Condition of restriction	

#### 10. Other Limitations/Exceptions

Provision	Art. 75.5
Scope of other limitation/exception	any contractual provision that aims to eliminate or prevent the normal exercise by beneficiaries of uses set out in Art. 75.1, 2 and 3 is void, without prejudice to possibility of parties to agree freely on ways of operation, in particular as regards the amounts of equitable remuneration
Type(s) of source work(s)	a work, (performance, phonogram, videogram, broadcast) <sup>3322</sup>
Entity entitled to limitation/exception	
Purpose of limitation/exception	exceptions to enable, <i>inter alia</i> : private use (Art. 75.2(a)), teaching and education (Art. 75.2(e), (f)), citations or summaries (Art. 75.2(g)), inclusion in own works for teaching (Art. 75.2(h)), communication or making available for research or personal studies (Art. 75.2([neighbouring]))
Condition of limitation/exception	
Frequency/copies and limits	

<sup>3319</sup> Art. 221.2.

<sup>3320</sup> Art. 221.3.

<sup>3321</sup> Art. 222.

<sup>3322</sup> Art. 187.1(a).

Preclusions (not part of limitation/exception)	
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## Saudi Arabia

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 11, 2004 (Paris Act (1971): March 11, 2004)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Law (promulgated by Royal Decree No. M/41 of 2 Rajab, 1424 (August 30th,2003))

### 2. Private/Personal Use

Provision	Art. 15(1)
Scope of private/personal use	copying
Type(s) of source work(s)	a work, in its original language or in translation
Entity exercising private/personal use	
Purpose of private/personal use	for personal use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	audio and audio-visual works, computer software
Subject to Attribution	
Subject to Remuneration	not required ("without obtaining the permission of the copyright owner")

### 3. Quotations

Provision	Art. 15(2)
Scope of quotation	quoting, in another work
Type(s) of source work(s)	a work, in its original language or in translation, including journalistic summaries abstracted from newspapers and periodicals
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation be consistent with the conventional practice  quotation is within the limits justified by the intended objective
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without obtaining the permission of the copyright owner")
Provision	Art. 15(11)
Scope of quotation	citing
Type(s) of source work(s)	parts of scientific articles and works, in their original language or in translation
Entity exercising quotation	research institutions

Purpose of quotation	internal use or to fulfil the requirements of those who are conducting studies and research
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source
Subject to Remuneration	not required ("without obtaining the permission of the copyright owner")

#### 4. Research/Educational Reproduction

Provision	Art. 15(3)
Scope of research/educational reproduction	using, by way of clarification
Type(s) of source work(s)	a work, in its original language or in translation
Entity exercising reproduction	
Purpose of educational reproduction	educational purposes
Condition of reproduction	
Frequency/copies and limits	within the limits justified by the intended objective <sup>3323</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without obtaining the permission of the copyright owner")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 15(9)
Scope of anthologies/compilations limitation/exception	copying, in school books prepared for educational curricula or in books of history, literature and art
Type(s) of source work(s)	published works, drawings, pictures, designs or maps, in their original language or in translation
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	copying is within the limits of necessity
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title, author
Subject to Remuneration	not required ("without obtaining the permission of the copyright owner")

#### 6. School Performances

Provision	Art. 15(8)
Scope of school performance	music playing, acting, performing or showing

<sup>3323</sup> Art. 15(3) conditions apply only to making copies for public libraries or non-commercial documentation centres.

Type(s) of source work(s)	any work, in its original language or in translation, after publication
Entity exercising school performance	school theatre
Purpose of school performance	
Condition of school performance	such playing, performance or acting does not lead to direct or indirect financial gains
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("without obtaining the permission of the copyright owner")

7. Educational Broadcasts/Communications/Recordings8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 16
Nature of compulsory licence for translation for educational purposes	licence, for publication (and optionally translation)
Scope of compulsory licence for digital copying and dissemination	probably digital reproduction probably digital publication <sup>3324</sup> no digital dissemination <sup>3325</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	the published work
Licence applicant/entity	
Purpose of licence	publication: publication of work serves the public interest  translation: purpose is to make use of translation in educational curricula
Condition of licence	licence application may be made: * no copies of published work in its original language are made available in Saudi Arabia by the copyright owner to satisfy the general needs of the public/school/university education, at a price comparable to similar works in Saudi Arabia, upon the author's declining to make them so available * all editions of the original work or its Arabic translation are out of print, and copyright owner failed to make it available upon request * no translation has been published for work by owner of translation copyright or with his permission

<sup>3324</sup> Art. 1 (defining publication to mean "Making copies of a work to meet public need" and copying as "producing a copy or more of one of the literary, artistic or scientific works on a material means, including any sound or visual recording"); on the assumption that "material means" includes electronic and ephemeral copies.

<sup>3325</sup> No reference to the exclusive right of "communication to the public" or "broadcasting"; Art. 9 refers to "communication to the public" as communication "via any possible means, such as displaying, acting, broadcasted or data transmission networks"; see Art. 1 (defining broadcasting as the "[t]ransmission of a work, performance or an audio or visual recording to the public, using wires or wireless methods or any other means of transmission, to be received by the public, including transmission via satellite").

	* heirs, successors of Saudi author decline to exercise the copyrights inherited by them, within 1 year of request by licence applicant  licence terminated if owner has published or authorised the publishing of work/translation <sup>3326</sup>
Compulsory licence fee(s)	Minister to specify remuneration payable by licensee to copyright owners for every license issued <sup>3327</sup>
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Minister

Provision	Art. 16
Nature of compulsory licence for reproduction for educational purposes	licence, for publication
Scope of compulsory licence for digital copying and dissemination	probably digital reproduction <sup>3328</sup> probably digital publication <sup>3329</sup> no digital dissemination <sup>3330</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	the published work
Licence applicant/entity	
Purpose of licence	publication: publication of work serves the public interest
Condition of licence	licence application may be made: * no copies of published work in its original language are made available in Saudi Arabia by the copyright owner to satisfy the general needs of the public/school/university education, at a price comparable to similar works in Saudi Arabia, upon the author's declining to make them so available * all editions of the original work or its Arabic translation are out of print, and copyright owner failed to make it available upon request * heirs, successors of Saudi author decline to exercise the copyrights inherited by them, within 1 year of request by licence applicant

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<sup>3326</sup> Art. 16(2).

<sup>3327</sup> Art. 15(3).

<sup>3328</sup> Art. 1 (defining publication to mean "Making copies of a work to meet public need" and copying as "producing a copy or more of one of the literary, artistic or scientific works on a material means, including any sound or visual recording"); on the assumption that "material means" includes electronic and ephemeral copies.

<sup>3329</sup> *Id.*

<sup>3330</sup> No reference to the exclusive right of "communication to the public" or "broadcasting"; Art. 9 refers to "communication to the public" as communication "via any possible means, such as displaying, acting, broadcastating or data transmission networks"; see Art. 1 (defining broadcasting as the "[t]ransmission of a work, performance or an audio or visual recording to the public, using wires or wireless methods or any other means of transmission, to be received by the public, including transmission via satellite").

	licence terminated if owner has published or authorised the publishing of work <sup>3331</sup>
Compulsory licence fee(s)	Minister to specify remuneration payable by licensee to copyright owners for every license issued <sup>3332</sup>
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Minister

9. TPM/RMI Exceptions for Educational Purposes

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<sup>3331</sup> Art. 16(2).

<sup>3332</sup> Art. 15(3).

## Senegal

### 1. Treaties & Legislation

Treaties:

Berne Convention: August 25, 1962 (Paris Act (1971): August 12, 1975)

WIPO Copyright Treaty: May 18, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Bangui Agreement 1977

Legislation:

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

### 2. Private/Personal Use

Provision	Art. 38
Scope of private/personal use	communication
Type(s) of source work(s)	a work
Entity exercising private/personal use	
Purpose of private/personal use	within a family circle
Condition of private/personal use	free of charge
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("may not prohibit")

Provision	Art. 40
Scope of private/personal use	reproduction
Type(s) of source work(s)	a work, (a performance, phonogram, videogram, broadcast, publication) <sup>3333</sup>
Entity exercising private/personal use	
Purpose of private/personal use	intended for strictly personal and private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture in the form of buildings or other similar structures, reprographic reproduction of textbooks, musical scores, works of visual art in limited editions, electronic databases, computer programs
Subject to Attribution	
Subject to Remuneration	levy <sup>3334</sup> payable on blank recording media (whether removable or not) and recording equipment <sup>3335</sup> , payable by importer,

<sup>3333</sup> Art. 89 (applying copyright exceptions mutatis mutandis to neighbouring rights).

<sup>3334</sup> Art. 105 (providing that basis of remuneration, amount and payment procedure is determined by Private Copying Commission).

<sup>3335</sup> Art. 105(a).



	manufacturer, <sup>3336</sup> to account of CMOs <sup>3337</sup> to be distributed among approved authors, performers and producers of phonograms and videograms <sup>3338</sup>
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### 3. Quotations

Provision	Art. 44
Scope of quotation	analyses of and short quotations
Type(s) of source work(s)	a work, (a performance, phonogram, videogram, broadcast, publication) <sup>3339</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	compatible with fair practice
Preclusions (not part of quotation)	
Subject to Attribution	title, author
Subject to Remuneration	not required ("may not prohibit")

### 4. Research/Educational Reproduction

Provision	Art. 42
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a work, (a performance, phonogram, videogram, broadcast, publication) <sup>3340</sup>
Entity exercising reproduction	
Purpose of educational reproduction	purposes of illustration for teaching
Condition of reproduction	without the purpose of making a profit
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("may not prohibit")

### 5. Educational Publications/Anthologies/Compilations/Composite Works

### 6. School Performances

### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 42
Scope of broadcast/communication/recording	communication
Type(s) of source work(s)	a work, (a performance, phonogram, videogram, broadcast, publication) <sup>3341</sup>

<sup>3336</sup> Art. 107(1).

<sup>3337</sup> Art. 108.

<sup>3338</sup> Art. 104.

<sup>3339</sup> Art. 89 (applying copyright exceptions mutatis mutandis to neighbouring rights).

<sup>3340</sup> Art. 89 (applying copyright exceptions mutatis mutandis to neighbouring rights).

<sup>3341</sup> Art. 89 (applying copyright exceptions mutatis mutandis to neighbouring rights).

Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	purposes of illustration for teaching
Condition of broadcast/communication/recording	without the purpose of making a profit
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("may not prohibit")

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Serbia

### 1. Treaties & Legislation

Treaties:

Berne Convention: April 27, 1992 (Paris Act (1971): April 27, 1992)

WIPO Copyright Treaty: June 13, 2003

WIPO Performances and Phonograms Treaty: June 13, 2003

Legislation:

Law on Copyright and Related Rights 2011

Law on the Amendments of the Law of Copyright and Related Rights 2012 (No. 119/2012)

Regulation on establishing the list of devices and objects for which there is liability to pay

### 2. Private/Personal Use

Provision	Art. 46
Scope of private/personal use	reproduce
Type(s) of source work(s)	a disclosed work, (a performance, phonogram, videogram) <sup>3342</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	personal noncommercial purposes
Condition of private/personal use	
Frequency/copies and limits	copies made shall not be placed on the market or be used for any other form of public communication of that work <sup>3343</sup>
Preclusions (not part of private/personal use)	constructed works of architecture, new building constructions based on existing buildings, three-dimensional realizations of drawings for works of fine arts, reproduction of whole book as written works (unless copies have been sold out for at least two years), sheet music (except by manual copying), electronic databases, computer programs, recordings of the performance, presentation or showing of works  scope of limitation of exclusive rights may not conflict with a normal exploitation of the work nor may unreasonably prejudice the legitimate interests of the author <sup>3344</sup>
Subject to Attribution	source, author <sup>3345</sup>

<sup>3342</sup> Arts. 144, 146.

<sup>3343</sup> Art. 46(2).

<sup>3344</sup> Art. 41(2) (applying this restriction to "any specific case" of limitations on copyright).

<sup>3345</sup> Art. 41(1) (requiring acknowledgment for the provisions dealing with limitations on copyright).

Subject to Remuneration	fair compensatory remuneration <sup>3346</sup> by levy on manufacturer/importer <sup>3347</sup> of empty carriers of sound, picture and text, new devices for sound or visual recording and new devices for photocopying or other devices with similar technology of copying <sup>3348</sup> , and commercial photocopying service providers, <sup>3349</sup> payable to CMOs, <sup>3350</sup> for distribution to authors, (performers, producers of phonograms and videograms) <sup>3351</sup>
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Provision	Art. 54a(2)
Scope of private/personal use	adaptation
Type(s) of source work(s)	published copyright protected work
Entity exercising private/personal use	
Purpose of private/personal use	for personal needs
Condition of private/personal use	not intended and not available to the public
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	source, author <sup>3352</sup>
Subject to Remuneration	not required ("free adaptation")

### 3. Quotations

Provision	Art. 49
Scope of quotation	reproduction (or communicated to the public) [right of quotation]
Type(s) of source work(s)	short excerpts of a work of authorship, or individual short copyright protected works, which have been disclosed, or (a performance, phonogram, videogram) <sup>3353</sup>
Entity exercising quotation	
Purpose of quotation	for illustration, confirmation or reference
Condition of quotation	mentioned parts or short works are integrated into another work without alterations  clear indication that a reference is involved and in compliance with the fair practices
Preclusions (not part of quotation)	

<sup>3346</sup> Art. 39(8) (describing this as fair compensation which must take into account "the probable damage suffered by the author when his work is copied without his permission for personal non commercial use, [and] the application of technical measures of protection and other circumstances that can influence the correct calculation of the amount of this special remuneration").

<sup>3347</sup> Art. 39(2), (3).

<sup>3348</sup> Art. 39(4).

<sup>3349</sup> Art. 39(5).

<sup>3350</sup> Art. 39(9).

<sup>3351</sup> Art. 146.

<sup>3352</sup> Art. 41(1) (requiring acknowledgment for the provisions dealing with limitations on copyright).

<sup>3353</sup> Art. 144 (applying limitations and exhaustion of copyright to related rights).

Subject to Attribution	title, author, when and where quoted work was disclosed or published (if indicated on source)
Subject to Remuneration	not required ("without paying remuneration")

#### 4. Research/Educational Reproduction

Provision	Art. 45
Scope of research/educational reproduction	multiply
Type(s) of source work(s)	works or (performances, phonograms, videograms) <sup>3354</sup>
Entity exercising reproduction	public libraries, educational institutions, museums and archives
Purpose of educational reproduction	only for the own archive needs
Condition of reproduction	work is copied from the copy in [entity's] possession  by such copying these institutions have no intention to realize direct or indirect economic or commercial benefit
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	scope of limitation of exclusive rights may not conflict with a normal exploitation of the work nor may unreasonably prejudice the legitimate interests of the author <sup>3355</sup>
Subject to Attribution	source, author <sup>3356</sup>
Subject to Remuneration	not required ("without payment of the copyright remuneration")
Provision	Art. 54a(3)
Scope of research/educational reproduction	adaptation
Type(s) of source work(s)	published copyright protected work
Entity exercising reproduction	
Purpose of educational reproduction	adaptation connected to allowed use of work, which is caused by its nature or manner of use
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author <sup>3357</sup>
Subject to Remuneration	not required ("free adaptation")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 55
Scope of anthologies/compilations limitation/exception	copy, on paper or similar carrier, by photocopying or some other form of photographic or similar technology which gives

<sup>3354</sup> Art. 144 (applying limitations and exhaustion of copyright to related rights).

<sup>3355</sup> Art. 41(2) (applying this restriction to "any specific case" of limitations on copyright).

<sup>3356</sup> Art. 41(1) (requiring acknowledgment for the provisions dealing with limitations on copyright).

<sup>3357</sup> Art. 41(1) (requiring acknowledgment for the provisions dealing with limitations on copyright).

	similar results, if it concerns published works of several different authors,
Type(s) of source work(s)	parts of the published copyright protected works, individual short published copyright protected works in the field of science, literature and music or individual published copyright protected works in the field of photography, industrial and graphic design and cartography, or (performances, phonograms, videograms) <sup>3358</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	manual for tuition, examination or scientific research
Condition of anthologies/compilations limitation/exception	unless author explicitly prohibits
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	sheet music <sup>3359</sup>  scope of limitation of exclusive rights may not conflict with a normal exploitation of the work nor may unreasonably prejudice the legitimate interests of the author <sup>3360</sup>
Subject to Attribution	source, author <sup>3361</sup>
Subject to Remuneration	obligation of payment for copyright remuneration

## 6. School Performances

Provision	Art. 44(1)
Scope of school performance	perform publicly or represent, in the shape of direct presentation of a lecture in the process of tuition
Type(s) of source work(s)	published works or (performances, phonograms, videograms) <sup>3362</sup>
Entity exercising school performance	
Purpose of school performance	non commercial purposes of education
Condition of school performance	
Preclusions (not part of school performance)	scope of limitation of exclusive rights may not conflict with a normal exploitation of the work nor may unreasonably prejudice the legitimate interests of the author <sup>3363</sup>
Subject to Attribution	source, author <sup>3364</sup>
Subject to Remuneration	not required ("without payment of remuneration")

<sup>3358</sup> Art. 144 (applying limitations and exhaustion of copyright to related rights).

<sup>3359</sup> Art. 55(2).

<sup>3360</sup> Art. 41(2) (applying this restriction to "any specific case" of limitations on copyright).

<sup>3361</sup> Art. 41(1) (requiring acknowledgment for the provisions dealing with limitations on copyright).

<sup>3362</sup> Art. 144 (applying limitations and exhaustion of copyright to related rights).

<sup>3363</sup> Art. 41(2) (applying this restriction to "any specific case" of limitations on copyright).

<sup>3364</sup> Art. 41(1) (requiring acknowledgment for the provisions dealing with limitations on copyright).

Provision	Art. 44(2)
Scope of school performance	public performance or representation at the school festivals
Type(s) of source work(s)	published works or (performances, phonograms, videograms) <sup>3365</sup>
Entity exercising school performance	
Purpose of school performance	non commercial purposes of education
Condition of school performance	interpreters are not given compensation for their performance  entrance is not charged
Preclusions (not part of school performance)	scope of limitation of exclusive rights may not conflict with a normal exploitation of the work nor may unreasonably prejudice the legitimate interests of the author <sup>3366</sup>
Subject to Attribution	source, author <sup>3367</sup>
Subject to Remuneration	not required ("without payment of remuneration")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 44(3)
Scope of broadcast/communication/recording	communication to the public
Type(s) of source work(s)	broadcasted school emissions, or (performances, phonograms, videograms) <sup>3368</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	non commercial purposes of education
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	by means of technical devices internally within the educational establishment
Preclusions (not part of broadcast/communication/recording)	scope of limitation of exclusive rights may not conflict with a normal exploitation of the work nor may unreasonably prejudice the legitimate interests of the author <sup>3369</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

Provision	Art. 49
Scope of broadcast/communication/recording	communicated to the public [right of quotation]

<sup>3365</sup> Art. 144 (applying limitations and exhaustion of copyright to related rights).

<sup>3366</sup> Art. 41(2) (applying this restriction to "any specific case" of limitations on copyright).

<sup>3367</sup> Art. 41(1) (requiring acknowledgment for the provisions dealing with limitations on copyright).

<sup>3368</sup> Art. 144 (applying limitations and exhaustion of copyright to related rights).

<sup>3369</sup> Art. 41(2) (applying this restriction to "any specific case" of limitations on copyright).

Type(s) of source work(s)	short excerpts of a work of authorship, or individual short copyright protected works, which have been disclosed, or (a performance, phonogram, videogram) <sup>3370</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for illustration, confirmation or reference
Condition of broadcast/communication/recording	mentioned parts or short works are integrated into another work without alterations  clear indication that a reference is involved and in compliance with the fair practices
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	title, author, when and where quoted work was disclosed or published (if indicated on source)
Subject to Remuneration	not required ("without paying remuneration")

#### 8. Compulsory Licences for Educational Reproductions and Translations

#### 9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 208a
Scope of TPM/RMI restriction	require rightholder who used effective technological measures in respect of his work to alter or remove technological measures to ensure for the "beneficiaries" legal access to copy of
Type(s) of source work(s)	work/subject-matter (but not applicable to works/subject-matter available to the public on agreed contractual conditions in a manner enabling members of the public to access them from a place and at a time individually chosen by them <sup>3371</sup> )
Beneficiary exercising restriction	"beneficiaries": persons who have, on the basis of this law on the limitations of copyright, a legal access to a copy of the work/subject-matter
Purpose of restriction	to enable beneficiaries to realize the material limitations of rights, in the shortest term possible
Condition of restriction	right holder/importer/person who applied technological measure or has authority to remove them must clearly and visibly notify, on every copy of the work or subject matter of related rights, data on the used technological measures, and his name or title and contact address <sup>3372</sup>

<sup>3370</sup> Art. 144 (applying limitations and exhaustion of copyright to related rights).

<sup>3371</sup> Art. 208a(2), taken from EU Copyright Directive 2001/29, Art. 6(4).

<sup>3372</sup> Art. 208a(3).





## Seychelles

### 1. Treaties & Legislation

Treaties:

Berne Convention: not a party

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act, 2014 (Act No. 5 of 2014)

### 2. Private/Personal Use

Provision	s 9
Scope of private/personal use	private reproduction
Type(s) of source work(s)	a published work, (a performance, phonogram, broadcast) <sup>3373</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture in the form of building or other construction, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of digital database, computer program <sup>3374</sup> , any work where "reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or other owner of the copyright"
Subject to Attribution	
Subject to Remuneration	not required ("permitted without the authorisation of the author or other owner of copyright")

### 3. Quotations

Provision	s 11
Scope of quotation	quotation
Type(s) of source work(s)	a work that has lawfully been made available to the public, (a performance, phonogram, broadcast) <sup>3375</sup>
Entity exercising quotation	
Purpose of quotation	

<sup>3373</sup> S 27(d) (applying cases where a work can be used without the authorisation of the author or other owner of copyright to performances, phonograms and broadcasts).

<sup>3374</sup> S 15 (excepting use of the computer program and for backup/archival purposes).

<sup>3375</sup> S 27(d) (applying cases where a work can be used without the authorisation of the author or other owner of copyright to performances, phonograms and broadcasts).

Condition of quotation	quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("permitted without authorisation of the author or other owner")

#### 4. Research/Educational Reproduction

Provision	s 12(1)(c)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	published articles, other short works or short extracts of works
Entity exercising reproduction	
Purpose of educational reproduction	face-to- face teaching in educational institutions
Condition of reproduction	activities of which do not serve direct or indirect commercial gain  no collective licence, under which such reproduction can be made, is available by collective administration organisation of which educational institution is or should be aware <sup>3376</sup>
Frequency/copies and limits	reproduction of any particular work is an isolated one; if repeated, each occurrence be separate and unrelated  not more than a single copy for each pupil or student and the teacher is made
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (on all copies if feasible) <sup>3377</sup>
Subject to Remuneration	not required ("permitted without authorisation")

Provision	s 27(b)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising reproduction	
Purpose of educational reproduction	solely for scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

<sup>3376</sup> S 12(1)(c)(iii).

<sup>3377</sup> S 12(2).

Provision	s 27(c)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a performance, phonogram, broadcast (except performances and phonograms published as teaching or instructional materials)
Entity exercising reproduction	
Purpose of educational reproduction	solely for face-to- face teaching or distance teaching activities
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 12(1)(a)
Scope of anthologies/compilations limitation/exception	utilisation, by way of illustration, in publications
Type(s) of source work(s)	a work that has lawfully been made available to the public
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	teaching or scientific research
Condition of anthologies/compilations limitation/exception	utilisation is compatible with fair practice
Frequency/copies and limits	utilisation not exceed the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (on all copies if feasible) <sup>3378</sup>
Subject to Remuneration	not required ("permitted without authorisation")

#### 6. School Performances

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 12(1)(a)
Scope of broadcast/communication/recording	utilisation, by way of illustration, in broadcasting or sound or visual recordings
Type(s) of source work(s)	a work that has lawfully been made available to the public

<sup>3378</sup> S 12(2).

Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching or scientific research
Condition of broadcast/communication/recording	utilisation is compatible with fair practice
Frequency/limits of broadcast/communication/recording	utilisation not exceed the extent justified by the purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (on all copies if feasible) <sup>3379</sup>
Subject to Remuneration	not required ("permitted without authorisation")
Provision	s 12(1)(b)
Scope of broadcast/communication/recording	utilisation by making available, in computer networks
Type(s) of source work(s)	a work that has lawfully been made available to the public, (a performance, phonogram, broadcast) <sup>3380</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching or scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	access to the works is only available to enrolled pupils or students and their teachers
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (on all copies if feasible) <sup>3381</sup>
Subject to Remuneration	not required ("permitted without authorisation")

#### 8. Compulsory Licences for Educational Reproductions and Translations

#### 9. TPM/RMI Exceptions for Educational Purposes

Provision	s 32(3)
Scope of TPM/RMI restriction	notwithstanding effective technological measures applied to work/ other subject-matter, necessary means be ordered by Registrar or court to be made available to beneficiaries
Type(s) of source work(s)	work/other subject-matter (but not applicable to works/subject-matter made available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them <sup>3382</sup> )

<sup>3379</sup> S 12(2).

<sup>3380</sup> S 27(d) (applying cases where a work can be used without the authorisation of the author or other owner of copyright to performances, phonograms and broadcasts).

<sup>3381</sup> S 12(2).

<sup>3382</sup> S 32(4), taken from EU Copyright Directive 2001/29, Art. 6(4).

Beneficiary exercising restriction	“beneficiaries”: users who seek to exercise an exception or limitation in, <i>inter alia</i> , teaching or scientific research (s 12)
Purpose of restriction	to the extent required for beneficiaries to benefit from the exceptions/limitations
Condition of restriction	

## Sierra Leone

### 1. Treaties & Legislation

Treaties:

Berne Convention: not a party

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

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

### 2. Private/Personal Use

Provision	s 27
Scope of private/personal use	private reproduction
Type(s) of source work(s)	a published work
Entity exercising private/personal use	an individual
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture in the form of building or any other construction, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a digital database, computer program <sup>3383</sup> , any work where "reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or other owner of the copyright" <sup>3384</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without the authorization of the author or other owner of copyright")

Provision	s 42(a)
Scope of private/personal use	use
Type(s) of source work(s)	a performance, broadcast, sound recording or audio-visual work
Entity exercising private/personal use	
Purpose of private/personal use	private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	

<sup>3383</sup> S 34 (excepting use of the computer program and for backup/archival purposes; provision refers to s 28, which appears to be erroneous).

<sup>3384</sup> S 27(2)(e).

Subject to Remuneration	not required ("[neighbouring rights] shall not apply")
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### 3. Quotations

Provision	s 29
Scope of quotation	reproduction
Type(s) of source work(s)	a short part of a published work
Entity exercising quotation	
Purpose of quotation	in the form of quotation
Condition of quotation	reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without authorization of the author or other owner of copyright")

Provision	s 42(d)
Scope of quotation	quotations
Type(s) of source work(s)	short excerpts of a performance, sound recording, audiovisual work or broadcast
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotations are compatible with fair practice  quotations are justified by informative purpose of those quotations
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

### 4. Research/Educational Reproduction

Provision	s 30(1)(b)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	published articles, other short works or short extracts of works
Entity exercising reproduction	
Purpose of educational reproduction	face-to-face teaching in educational institutions
Condition of reproduction	activities of which do not serve direct or indirect commercial gain  no collective licence available by Collecting Society of which educational institution is or should be aware, under which reproduction can be made



Frequency/copies and limits	reproduction is an isolated one; if repeated, each occurrence be separate and unrelated
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without authorization of the author or other owner of copyright")

Provision	s 42(c)
Scope of research/educational reproduction	[use]
Type(s) of source work(s)	a performance, broadcast, sound recording or audio-visual work
Entity exercising reproduction	
Purpose of educational reproduction	teaching or scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 30(1)(a)
Scope of anthologies/compilations limitation/exception	reproduction, by way of illustration, in writing
Type(s) of source work(s)	a short part of a published work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	teaching purposes
Condition of anthologies/compilations limitation/exception	reproduction is compatible with fair practice
Frequency/copies and limits	reproduction does not exceed extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without authorization of the author or other owner of copyright")

#### 6. School Performances

Provision	s 42(c)
Scope of school performance	[use]
Type(s) of source work(s)	a performance, broadcast, sound recording or audio-visual work
Entity exercising school performance	

Purpose of school performance	teaching or scientific research
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 30(1)(a)
Scope of broadcast/communication/recording	reproduction, by way of illustration, in sound or visual recording
Type(s) of source work(s)	a short part of a published work
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching purposes
Condition of broadcast/communication/recording	reproduction is compatible with fair practice
Frequency/limits of broadcast/communication/recording	reproduction does not exceed extent justified by the purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without authorization of the author or other owner of copyright")
Provision	s 42(c)
Scope of broadcast/communication/recording	[use]
Type(s) of source work(s)	a performance, broadcast, sound recording or audio-visual work
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching or scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

#### 8. Compulsory Licences for Educational Reproductions and Translations

#### 9. TPM/RMI Exceptions for Educational Purposes

## Singapore

### 1. Treaties & Legislation

Treaties:

Berne Convention: December 21, 1998 (Paris Act (1971): December 21, 1998)

WIPO Copyright Treaty: April 17, 2005

WIPO Performances and Phonograms Treaty: April 17, 2005

Legislation:

Copyright Act (Cap. 63, 2006 Rev. Ed.) (consolidated as of 31 March 2015)

### 2. Private/Personal Use

Provision	ss 35, 109
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, or adaptation of a literary, dramatic or musical work, published edition, <sup>3385</sup> or “audio-visual item” <sup>3386</sup>
Entity exercising private/personal use	
Purpose of private/personal use	include research and study <sup>3387</sup>
Condition of private/personal use	to determine if dealing/adaptation constitutes fair dealing, the matters to have regard shall include: (a) the purpose and character of the dealing, including whether such dealing is of a commercial nature or is for non-profit educational purposes; (b) the nature of the work/adaptation/audio-visual item; (c) the amount and substantiality of the part copied taken in relation to the whole work/adaptation/audio-visual item; (d) the effect of the dealing upon the potential market for, or value of, the work/adaptation/audio-visual item; (e) the possibility of obtaining the work/adaptation/audio-visual item within a reasonable time at an ordinary commercial price.
Frequency/copies and limits	dealings deemed to be fair dealing for purpose of research or study: (a) if the work or adaptation comprises an article in a periodical publication, of the whole or a part of that work or

<sup>3385</sup> S 116 (permitting reproductions of the whole or part of editions of works where dealing does not infringe copyright by virtue of ss 35, 36, 37, 38 or 40).

<sup>3386</sup> S 102 (defining “audiovisual item” as a sound recording, cinematographic work, sound and television broadcast or a cable programme).

<sup>3387</sup> Ss 35(1A), 109(1A).

	adaptation (but not if another article in that publication that deals with a different subject-matter is also copied); (b) in any other case, of not more than a reasonable portion of the work or adaptation <sup>3388</sup>
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement")

Provision	s 246(1) ("exempt recording": definition para. (a))
Scope of private/personal use	making a direct <sup>3389</sup> or indirect sound <sup>3390</sup> recording
Type(s) of source work(s)	a performance <sup>3391</sup> [as an "exempt recording" <sup>3392</sup> ]
Entity exercising private/personal use	
Purpose of private/personal use	solely for private and domestic use of person who made recording
Condition of private/personal use	recording ceases to be "exempt recording" if it is used for any other purpose without the authority of the performer <sup>3393</sup>
Frequency/copies and limits	recording/copy of recording is not taken to have been made for private and domestic use of person who made it if made for purpose of sale, hire, trade, distribution, exhibiting in public, broadcasting or causing it to be seen or heard in public <sup>3394</sup>
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("recording" means a sound recording other than an exempt recording")

### 3. Quotations

Provision	ss 36, 110
Scope of quotation	fair dealing
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, an adaptation of a literary, dramatic or musical

<sup>3388</sup> S 35(3).

<sup>3389</sup> S 246(1) (defining "direct recording" as a recording made directly from the live performance or from a broadcast or rebroadcast, or a cable programme that includes the performance).

<sup>3390</sup> S 246(1) (defining "recording" as a sound recording other than an exempt recording).

<sup>3391</sup> S 246(1) (defining performance as meaning a performance of a dramatic work, a musical work, reading, recitation or delivery of a literary work, a dance or a circus act or a variety act or any similar presentation or show).

<sup>3392</sup> S 248A (defining a "recording" of a performance as excluding an "exempt recording").

<sup>3393</sup> S 248(3)-(4).

<sup>3394</sup> S 249.

	work, published edition, <sup>3395</sup> “audio-visual item” <sup>3396</sup>
Entity exercising quotation	
Purpose of quotation	criticism or review, whether of that work/audio-visual item or of another work/audio-visual item
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	title of work/audio-visual item (or other description), author (unless anonymous, pseudonymous or author has previously agreed or directed that an acknowledgment is not to be made) <sup>3397</sup>
Subject to Remuneration	not required (“shall not constitute an infringement”)

Provision	s 246(1) (“exempt recording”: definition para. (h)(ii))
Scope of quotation	making a direct <sup>3398</sup> or indirect sound <sup>3399</sup> recording
Type(s) of source work(s)	a performance <sup>3400</sup> [as an “exempt recording” <sup>3401</sup> ]
Entity exercising quotation	
Purpose of quotation	criticism or review
Condition of quotation	recording ceases to be “exempt recording” if it is used for any other purpose without the authority of the performer <sup>3402</sup>
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required (“‘recording’ means a sound recording other than an exempt recording”)

#### 4. Research/Educational Reproduction

Provision	ss 35, 109
Scope of research/educational reproduction	fair dealing
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, or adaptation of a literary, dramatic or musical

<sup>3395</sup> S 116 (permitting reproductions of the whole or part of editions of works where dealing does not infringe copyright by virtue of ss 35, 36, 37, 38 or 40).

<sup>3396</sup> S 102 (defining “audiovisual item” as a sound recording, cinematographic work, sound and television broadcast or a cable programme).

<sup>3397</sup> S 7(1) (defining “sufficient acknowledgment”).

<sup>3398</sup> S 246(1) (defining “direct recording” as a recording made directly from the live performance or from a broadcast or rebroadcast, or a cable programme that includes the performance).

<sup>3399</sup> S 246(1) (defining “recording” as a sound recording other than an exempt recording).

<sup>3400</sup> S 246(1) (defining performance as meaning a performance of a dramatic work, a musical work, reading, recitation or delivery of a literary work, a dance or a circus act or a variety act or any similar presentation or show).

<sup>3401</sup> S 248A (defining a “recording” of a performance as excluding an “exempt recording”).

<sup>3402</sup> S 248(3).

	work, published edition, <sup>3403</sup> or “audio-visual item” <sup>3404</sup>
Entity exercising reproduction	
Purpose of educational reproduction	include research and study <sup>3405</sup>
Condition of reproduction	to determine if dealing/adaptation constitutes fair dealing, the matters to have regard shall include: (a) the purpose and character of the dealing, including whether such dealing is of a commercial nature or is for non-profit educational purposes; (b) the nature of the work/adaptation/audio-visual item; (c) the amount and substantiality of the part copied taken in relation to the whole work/adaptation/audio-visual item; (d) the effect of the dealing upon the potential market for, or value of, the work/adaptation/audio-visual item; (e) the possibility of obtaining the work/adaptation/audio-visual item within a reasonable time at an ordinary commercial price.
Frequency/copies and limits	dealings deemed to be fair dealing for purpose of research or study: (a) if the work or adaptation comprises an article in a periodical publication, of the whole or a part of that work or adaptation (but not if another article in that publication that deals with a different subject-matter is also copied); (b) in any other case, of not more than a reasonable portion of the work or adaptation <sup>3406</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required (“shall not constitute an infringement”)
Provision	Part III, Division 6, s 50A
Scope of research/educational reproduction	copying, not by means of a reprographic process <sup>3407</sup>
Type(s) of source work(s)	a work <sup>3408</sup>
Entity exercising reproduction	person conducting or undergoing course of education

<sup>3403</sup> S 116 (permitting reproductions of the whole or part of editions of works where dealing does not infringe copyright by virtue of ss 35, 36, 37, 38 or 40).

<sup>3404</sup> S 102 (defining “audiovisual item” as a sound recording, cinematographic work, sound and television broadcast or a cable programme).

<sup>3405</sup> Ss 35(1A), 109(1A).

<sup>3406</sup> S 35(3).

<sup>3407</sup> S 50A(2) (defining a “reprographic process” as a process for making facsimile copies or an appliance for making multiple copies, and includes any copying by electronic means, but does not include the making of a cinematograph film or sound recording).

<sup>3408</sup> S 53 (work/article includes artistic works provided for the purpose of explaining or illustrating the work/article, such that copyright in the artistic works is not infringed).

Purpose of educational reproduction	for purposes of a course of education
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")

Provision	Part III, Division 6, s 51(1)
Scope of research/educational reproduction	making one or more copies [including in electronic form on a network operated or controlled by educational institution to enable persons undertaking course of education provided by educational institution to access work]
Type(s) of source work(s)	a part of work <sup>3409</sup> in an edition of work, including an edition of works that include that work <sup>3410</sup>
Entity exercising reproduction	any person
Purpose of educational reproduction	for purposes of a course of education provided by educational institution
Condition of reproduction	
Frequency/copies and limits	<p>copying is carried out on premises of an educational institution, including making a copy of part of work on network operated or controlled by educational institution to enable persons undertaking a course of education provided by educational institution to access work ["distance learning"]<sup>3411</sup></p> <p>no copying of whole of work<sup>3412</sup></p> <p>for non-electronic edition of work or electronic edition divided into pages: not more than 5 pages of work in an edition of work, or not more than 5% of total number of pages if edition has more than 500 pages<sup>3413</sup></p> <p>for electronic edition of work not divided into pages: not more than 5% of total number of bytes, 5% of total number of words or 5% of contents of edition<sup>3414</sup></p> <p>no reproduction under this provision of any other part of same work within 14 days of previous reproduction<sup>3415</sup></p>

<sup>3409</sup> S 53 (work/article includes artistic works provided for the purpose of explaining or illustrating the work/article, such that copyright in the artistic works is not infringed).

<sup>3410</sup> S 51(6)(a).

<sup>3411</sup> S 51(6)(b).

<sup>3412</sup> S 51(2).

<sup>3413</sup> S 51(3).

<sup>3414</sup> S 51(4).

<sup>3415</sup> S 51(5).

Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")

Provision	Part III, Division 6, s 52
Scope of research/educational reproduction	making of copies (including in an electronic form on a network operated or controlled by educational institution or another educational institution) <sup>3416</sup>
Type(s) of source work(s)	whole or part of: <ul style="list-style-type: none"> <li>• an article<sup>3417</sup> in a periodical publication<sup>3418</sup></li> <li>• a work<sup>3419</sup> (other than an article contained in a periodical publication)<sup>3420</sup></li> </ul> including artistic works included for purposes of explaining or illustrating article or other work <sup>3421</sup>
Entity exercising reproduction	by, or on behalf of, a body administering an educational institution
Purpose of educational reproduction	for educational purposes of institution or of another educational institution (including [correspondence course or external study course] enabling persons undertaking a course of education provided by institution or another educational institution to access the work/article) <sup>3422</sup>
Condition of reproduction	copyright is not infringed if prescribed record of copying made, by or on behalf of educational institution, as soon as practicable, in writing or any other manner in accordance with prescribed form <sup>3423</sup>  prescribed record to reference copies of an article/reasonable portion of work made for distribution to persons undertaking a correspondence course, or an external study course (otherwise than as a part of the lecture notes prepared in connection with that course) <sup>3424</sup>
Frequency/copies and limits	does not apply to copies of, or parts of, 2 or more articles contained in same periodical

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<sup>3416</sup> S 52(14).

<sup>3417</sup> S 53 (work/article includes artistic works provided for the purpose of explaining or illustrating the work/article, such that copyright in the artistic works is not infringed).

<sup>3418</sup> S 52(1).

<sup>3419</sup> S 53 (work/article includes artistic works provided for the purpose of explaining or illustrating the work/article, such that copyright in the artistic works is not infringed).

<sup>3420</sup> S 52(2).

<sup>3421</sup> S 53.

<sup>3422</sup> S 52(14).

<sup>3423</sup> S 52(6), (7), (8).

<sup>3424</sup> S 52(9), (10).



	publication unless they relate to same subject-matter <sup>3425</sup>  does not apply to copies of, or parts of, more than a reasonable portion of a work that has been separately published unless person making reproductions or causes them to be made, is satisfied, after reasonable investigations, that copies (not secondhand copies) are not available within a reasonable time at an ordinary commercial price <sup>3426</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	body administering educational institution shall make equitable remuneration (as agreed upon between owner and body <sup>3427</sup> or as determined by Copyright Tribunal) for making of copies, to copyright owner, upon request in writing by owner <sup>3428</sup>

Provision	ss 52A, 115B
Scope of research/educational reproduction	anything done
Type(s) of source work(s)	a work, <sup>3429</sup> "audio-visual item" <sup>3430</sup>
Entity exercising reproduction	
Purpose of educational reproduction	purposes of an examination, whether by way of setting questions, communicating questions to the candidates or answering questions
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... is not infringed")

Provision	s 115A
Scope of research/educational reproduction	copying in the making of a cinematograph film, or a sound-track associated with the visual images forming part of a cinematograph film

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<sup>3425</sup> S 52(4).

<sup>3426</sup> S 52(5).

<sup>3427</sup> S 52(13) (providing that copyright owner shall not be precluded from granting a licence authorizing body administering an educational institution to make, or cause to be made, copies of the whole or part of the work, or to communicate, or cause to be communicated, the whole or part of the work, without infringement of that copyright).

<sup>3428</sup> S 52(11) (providing that copies to be remunerated are "not being copies stated in the record to be copies to which subsection (9) or (10) applies [correspondence course/external study course]").

<sup>3429</sup> S 53 (work/article includes artistic works provided for the purpose of explaining or illustrating the work/article, such that copyright in the artistic works is not infringed).

<sup>3430</sup> S 102 (defining "audiovisual item" as a sound recording, cinematographic work, sound and television broadcast or a cable programme).

Type(s) of source work(s)	a sound recording, cinematograph film, television broadcast, sound broadcast or cable programme
Entity exercising reproduction	a person giving or receiving such instruction
Purpose of educational reproduction	course of instruction, or preparation for instruction, in the making of a cinematograph film or sound-track associated with the visual images forming part of a cinematograph film
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 40
Scope of anthologies/compilations limitation/exception	inclusion, in a collection of literary, dramatic, musical or artistic works contained in a book, sound recording or cinematograph film
Type(s) of source work(s)	a short extract from a published work/published edition <sup>3431</sup> or adaptation
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for use by educational institutions
Condition of anthologies/compilations limitation/exception	collection is described as being intended for use by places of education in an appropriate place/label in book, record, film  work or adaptation was not published for the purpose of being used by educational institutions
Frequency/copies and limits	in addition to extract in question, not more than 2 or more extracts from works/adaptations by same author <sup>3432</sup> contained in collection or similar collection by same publisher within 5 year period <sup>3433</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title (or other description), author (unless anonymous, pseudonymous or author has previously agreed or directed that an acknowledgment is not to be made) <sup>3434</sup>

<sup>3431</sup> S 116 (permitting reproductions of the whole or part of editions of works where dealing does not infringe copyright by virtue of ss 35, 36, 37, 38 or 40).

<sup>3432</sup> S 83 (explaining that author includes works of joint authorship, so that works by any one or more of the authors of the extract concerned will count towards the preclusion).

<sup>3433</sup> S 40(2).

<sup>3434</sup> S 10(1) (defining "sufficient acknowledgment").

Subject to Remuneration	not required ("copyright ... is not infringed")
Provision	ss 35, 109
Scope of anthologies/compilations limitation/exception	fair dealing
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, or adaptation of a literary, dramatic or musical work, published edition, <sup>3435</sup> or "audio-visual item" <sup>3436</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	include research and study <sup>3437</sup>
Condition of anthologies/compilations limitation/exception	to determine if dealing/adaptation constitutes fair dealing, the matters to have regard shall include: (a) the purpose and character of the dealing, including whether such dealing is of a commercial nature or is for non-profit educational purposes; (b) the nature of the work/adaptation/audio-visual item; (c) the amount and substantiality of the part copied taken in relation to the whole work/adaptation/audio-visual item; (d) the effect of the dealing upon the potential market for, or value of, the work/adaptation/audio-visual item; (e) the possibility of obtaining the work/adaptation/audio-visual item within a reasonable time at an ordinary commercial price.
Frequency/copies and limits	dealings deemed to be fair dealing for purpose of research or study: (a) if the work or adaptation comprises an article in a periodical publication, of the whole or a part of that work or adaptation (but not if another article in that publication that deals with a different subject-matter is also copied); (b) in any other case, of not more than a reasonable portion of the work or adaptation <sup>3438</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	

<sup>3435</sup> S 116 (permitting reproductions of the whole or part of editions of works where dealing does not infringe copyright by virtue of ss 35, 36, 37, 38 or 40).

<sup>3436</sup> S 102 (defining "audiovisual item" as a sound recording, cinematographic work, sound and television broadcast or a cable programme).

<sup>3437</sup> Ss 35(1A), 109(1A).

<sup>3438</sup> S 35(3).

Subject to Remuneration	not required ("shall not constitute an infringement")
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## 6. School Performances

Provision	s 23
Scope of school performance	performance, or causing sounds/visual images to be heard and seen <sup>3439</sup>
Type(s) of source work(s)	a musical work <sup>3440</sup> , a literary or dramatic work <sup>3441</sup> , a cinematograph film, a broadcast, a cable programme, a recording of performance <sup>3442</sup>
Entity exercising school performance	performed by students or staff <sup>3443</sup> of an educational institution
Purpose of school performance	in the course of activities of an educational institution
Condition of school performance	performed in premises of institution or elsewhere in presence of an audience  for literary or dramatic work: audience is limited to persons who are taking part in the instruction or are otherwise "directly connected" <sup>3444</sup> with the place where the instruction is given
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("performance ... deemed not to be a performance in public")

Provision	s 35, 109
Scope of school performance	fair dealing
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, or adaptation of a literary, dramatic or musical work, published edition, <sup>3445</sup> or "audio-visual item" <sup>3446</sup>
Entity exercising school performance	
Purpose of school performance	include research and study <sup>3447</sup>
Condition of school performance	to determine if dealing/adaptation constitutes fair dealing, the matters to have regard shall include:

<sup>3439</sup> S 23(4).

<sup>3440</sup> S 23(1).

<sup>3441</sup> S 23(2).

<sup>3442</sup> S 23(4).

<sup>3443</sup> S 23(5) (extending the definition of "staff" to include any adjunct staff and person engaged by the educational institution to conduct any course of instruction, activity or programme of or offered by the educational institution).

<sup>3444</sup> S 23(3) ("a person shall be deemed to be directly connected with a place where instruction is given if he is a parent, guardian, brother or sister of a student who receives instruction at that place").

<sup>3445</sup> S 116 (permitting reproductions of the whole or part of editions of works where dealing does not infringe copyright by virtue of ss 35, 36, 37, 38 or 40).

<sup>3446</sup> S 102 (defining "audiovisual item" as a sound recording, cinematographic work, sound and television broadcast or a cable programme).

<sup>3447</sup> Ss 35(1A), 109(1A).

	<p>(a) the purpose and character of the dealing, including whether such dealing is of a commercial nature or is for non-profit educational purposes;</p> <p>(b) the nature of the work/adaptation/audio-visual item;</p> <p>(c) the amount and substantiality of the part copied taken in relation to the whole work/adaptation/audio-visual item;</p> <p>(d) the effect of the dealing upon the potential market for, or value of, the work/adaptation/audio-visual item;</p> <p>(e) the possibility of obtaining the work/adaptation/audio-visual item within a reasonable time at an ordinary commercial price.</p> <p>dealings deemed to be fair dealing for purpose of research or study: (a) if the work or adaptation comprises an article in a periodical publication, of the whole or a part of that work or adaptation (but not if another article in that publication that deals with a different subject-matter is also copied); (b) in any other case, of not more than a reasonable portion of the work or adaptation<sup>3448</sup></p>
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement")

## 7. Educational Broadcasts/Communications/Recordings

Provision	ss 35, 109
Scope of broadcast/communication/recording	fair dealing
Type(s) of source work(s)	a literary, dramatic, musical or artistic work, or adaptation of a literary, dramatic or musical work, published edition, <sup>3449</sup> or "audio-visual item" <sup>3450</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	include research and study <sup>3451</sup>

<sup>3448</sup> S 35(3).

<sup>3449</sup> S 116 (permitting reproductions of the whole or part of editions of works where dealing does not infringe copyright by virtue of ss 35, 36, 37, 38 or 40).

<sup>3450</sup> S 102 (defining "audiovisual item" as a sound recording, cinematographic work, sound and television broadcast or a cable programme).

<sup>3451</sup> Ss 35(1A), 109(1A).

Condition of broadcast/communication/recording	to determine if dealing/adaptation constitutes fair dealing, the matters to have regard shall include: (a) the purpose and character of the dealing, including whether such dealing is of a commercial nature or is for non-profit educational purposes; (b) the nature of the work/adaptation/audio-visual item; (c) the amount and substantiality of the part copied taken in relation to the whole work/adaptation/audio-visual item; (d) the effect of the dealing upon the potential market for, or value of, the work/adaptation/audio-visual item; (e) the possibility of obtaining the work/adaptation/audio-visual item within a reasonable time at an ordinary commercial price.
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement")
Provision	Part III, Division 6, s 51(1A)
Scope of broadcast/communication/recording	communication
Type(s) of source work(s)	a part of the work in an edition of the work, including an edition of works that include that work <sup>3452</sup>
Entity exercising broadcast/communication/recording	any person
Purpose of broadcast/communication/recording	for purposes of a course of education provided by educational institution
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	communication is initiated from the premises of an educational institution ["distance learning"]  for non-electronic edition of work or electronic edition divided into pages: not more than 5 pages of work in an edition of work, or not more than 5% of total number of pages if edition has more than 500 pages <sup>3453</sup>  for electronic edition of work not divided into pages: not more than 5% of total number of

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<sup>3452</sup> S 51(6)(a).

<sup>3453</sup> S 51(3).

	bytes, 5% of total number of words or 5% of contents of edition <sup>3454</sup>  no communication under this provision of any other part of same work within 14 days of previous communication <sup>3455</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright ... is not infringed")
Provision	Part III, Division 6, s 52
Scope of broadcast/communication/recording	communication (including in an electronic form on a network operated or controlled by educational institution or another educational institution) <sup>3456</sup>
Type(s) of source work(s)	whole or part of: <ul style="list-style-type: none"> <li>• an article in a periodical publication<sup>3457</sup></li> <li>• a work (other than an article contained in a periodical publication)<sup>3458</sup></li> </ul> including artistic works included for purposes of explaining or illustrating the article or other work <sup>3459</sup>
Entity exercising broadcast/communication/recording	by, or on behalf of, a body administering an educational institution
Purpose of broadcast/communication/recording	for the educational purposes of the institution or of another educational institution (including [correspondence course or external study course] enabling persons undertaking a course of education provided by the institution or another educational institution to access the work/article) <sup>3460</sup>
Condition of broadcast/communication/recording	copyright is not infringed if prescribed record of communication made, by or on behalf of educational institution, as soon as practicable, in writing or any other manner in accordance with prescribed form <sup>3461</sup>  prescribed record to reference communication of an article/reasonable portion of work to persons undertaking a correspondence course, or an external study course (otherwise than as a part of the lecture notes prepared in connection with that course) <sup>3462</sup>

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<sup>3454</sup> S 51(4).

<sup>3455</sup> S 51(5A).

<sup>3456</sup> S 52(15).

<sup>3457</sup> S 52(1).

<sup>3458</sup> S 52(2).

<sup>3459</sup> S 53.

<sup>3460</sup> S 52(15).

<sup>3461</sup> S 52(7C), (7D), (8).

<sup>3462</sup> S 52(11A), (11B).

Frequency/limits of broadcast/communication/recording	does not apply to communication of, or parts of, 2 or more articles contained in same periodical publication unless they relate to same subject-matter <sup>3463</sup>  does not apply to communication of, or more than a reasonable portion of, a work that has been separately published unless person making the communication or causes it to be communicated, is satisfied, after reasonable investigations, that copies (not secondhand copies) are not available within a reasonable time at an ordinary commercial price <sup>3464</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	body administering educational institution shall make equitable remuneration (as agreed upon between owner and body or as determined by Copyright Tribunal) for communicating works/articles, to copyright owner, upon request in writing by owner <sup>3465</sup>
Provision	s 115
Scope of broadcast/communication/recording	making of a record or cinematograph film
Type(s) of source work(s)	a sound broadcast, TV broadcast or cable programme
Entity exercising broadcast/communication/recording	made by, or on behalf of, person or authority in charge of educational institution
Purpose of broadcast/communication/recording	record/film used in the course of instruction at educational institution
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("not constitute an infringement of copyright in a work or [neighbouring rights]")

Provision	s 246(1) ("exempt recording": definition para. (b))
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<sup>3463</sup> S 52(7A).

<sup>3464</sup> S 52(7B).

<sup>3465</sup> S 52(11C) (providing that communications to be remunerated are "not a communication to which subsection (11A) or (11B) applies [correspondence course/external study course]").



Scope of broadcast/communication/recording	making a direct <sup>3466</sup> or indirect sound <sup>3467</sup> recording
Type(s) of source work(s)	a performance <sup>3468</sup> [as an “exempt recording” <sup>3469</sup> ]
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	solely for scientific research
Condition of broadcast/communication/recording	recording ceases to be “exempt recording” if it is used for any other purpose without the authority of the performer <sup>3470</sup>
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required (“recording” means a sound recording other than an exempt recording”)

Provision	s 246(1) (“exempt recording”: definition para. (c))
Scope of broadcast/communication/recording	making a direct <sup>3471</sup> or indirect sound <sup>3472</sup> recording
Type(s) of source work(s)	a performance <sup>3473</sup> [as an “exempt recording” <sup>3474</sup> ]
Entity exercising broadcast/communication/recording	by, or on behalf of, the body administering an educational institution
Purpose of broadcast/communication/recording	solely for the educational purposes of that institution or of another educational institution
Condition of broadcast/communication/recording	recording ceases to be “exempt recording” if it is used for any other purpose without the authority of the performer <sup>3475</sup>
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required (“recording” means a sound recording other than an exempt recording”)

<sup>3466</sup> S 246(1) (defining “direct recording” as a recording made directly from the live performance or from a broadcast or rebroadcast, or a cable programme that includes the performance).

<sup>3467</sup> S 246(1) (defining “recording” as a sound recording other than an exempt recording).

<sup>3468</sup> S 246(1) (defining performance as meaning a performance of a dramatic work, a musical work, reading, recitation or delivery of a literary work, a dance or a circus act or a variety act or any similar presentation or show).

<sup>3469</sup> S 248A (defining a “recording” of a performance as excluding an “exempt recording”).

<sup>3470</sup> S 248(3).

<sup>3471</sup> S 246(1) (defining “direct recording” as a recording made directly from the live performance or from a broadcast or rebroadcast, or a cable programme that includes the performance).

<sup>3472</sup> S 246(1) (defining “recording” as a sound recording other than an exempt recording).

<sup>3473</sup> S 246(1) (defining performance as meaning a performance of a dramatic work, a musical work, reading, recitation or delivery of a literary work, a dance or a circus act or a variety act or any similar presentation or show).

<sup>3474</sup> S 248A (defining a “recording” of a performance as excluding an “exempt recording”).

<sup>3475</sup> S 248(3).

Provision	s 246(1) (“exempt recording”: definition para. (d))
Scope of broadcast/communication/recording	making a direct <sup>3476</sup> or indirect sound <sup>3477</sup> recording
Type(s) of source work(s)	a performance <sup>3478</sup> [as an “exempt recording” <sup>3479</sup> ]
Entity exercising broadcast/communication/recording	recording is done by a person giving or receiving such instruction
Purpose of broadcast/communication/recording	in the course of instruction, or preparation for instruction, in the making of a cinematograph film or a sound-track associated with the visual images forming part of a cinematograph film
Condition of broadcast/communication/recording	recording ceases to be “exempt recording” if it is used for any other purpose without the authority of the performer <sup>3480</sup>
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required (“recording” means a sound recording other than an exempt recording”)

Provision	s 246(1) (“exempt recording”: definition para. (e))
Scope of broadcast/communication/recording	making a direct <sup>3481</sup> or indirect sound <sup>3482</sup> recording
Type(s) of source work(s)	a performance <sup>3483</sup> [as an “exempt recording” <sup>3484</sup> ]
Entity exercising broadcast/communication/recording	recording is done by a person giving or receiving such instruction
Purpose of broadcast/communication/recording	in the course of instruction, or preparation for instruction, in the making of a cinematograph film or a sound-track associated with the visual images forming part of a cinematograph film
Condition of broadcast/communication/recording	recording ceases to be “exempt recording” if it is used for any other purpose without the authority of the performer <sup>3485</sup>
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	

<sup>3476</sup> S 246(1) (defining “direct recording” as a recording made directly from the live performance or from a broadcast or rebroadcast, or a cable programme that includes the performance).

<sup>3477</sup> S 246(1) (defining “recording” as a sound recording other than an exempt recording).

<sup>3478</sup> S 246(1) (defining performance as meaning a performance of a dramatic work, a musical work, reading, recitation or delivery of a literary work, a dance or a circus act or a variety act or any similar presentation or show).

<sup>3479</sup> S 248A (defining a “recording” of a performance as excluding an “exempt recording”).

<sup>3480</sup> S 248(3).

<sup>3481</sup> S 246(1) (defining “direct recording” as a recording made directly from the live performance or from a broadcast or rebroadcast, or a cable programme that includes the performance).

<sup>3482</sup> S 246(1) (defining “recording” as a sound recording other than an exempt recording).

<sup>3483</sup> S 246(1) (defining performance as meaning a performance of a dramatic work, a musical work, reading, recitation or delivery of a literary work, a dance or a circus act or a variety act or any similar presentation or show).

<sup>3484</sup> S 248A (defining a “recording” of a performance as excluding an “exempt recording”).

<sup>3485</sup> S 248(3).

Subject to Attribution	
Subject to Remuneration	not required (“recording’ means a sound recording other than an exempt recording”)

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	s 261C(9)
Scope of TPM/RMI restriction	exempted from offence of willfully and for the purpose of obtaining any commercial advantage or private financial gain, circumventing technological access control measure, or manufacturing, importing etc. device etc. for circumventing the technological measure, or providing any services for circumventing the technological measure
Type(s) of source work(s)	
Beneficiary exercising restriction	a non-profit library, any non-profit archives, an educational institution, an institution assisting persons with reading disabilities, an institution assisting intellectually handicapped readers, or such public, non-commercial broadcasting organisation as the Minister may prescribe
Purpose of restriction	
Condition of restriction	
Provision	s 261D(1)(e)
Scope of TPM/RMI restriction	circumventing technological access control measure
Type(s) of source work(s)	
Beneficiary exercising restriction	person is engaged in a legitimate course of study, or employee is trained or experienced, in the field of encryption technology, or is doing so on behalf of someone so engaged, employed, trained, or experienced <sup>3486</sup>
Purpose of restriction	research on any encryption technology <sup>3487</sup>
Condition of restriction	circumvention relates to lawfully obtained copy of work/subject-matter/performance  circumvention is done in good faith and necessary to conduct such research  person has made reasonable effort to obtain such permission from copyright owner/performer

Provision	s 261D(1)(a)
Scope of TPM/RMI restriction	circumventing access control technological protection measure
Type(s) of source work(s)	

<sup>3486</sup> S 261D(1)(e).<sup>3487</sup> S 261D(1)(e).

Beneficiary exercising restriction	educational institution
Purpose of restriction	sole purpose of making an acquisition decision in relation to the work, subject-matter or recording <sup>3488</sup>
Condition of restriction	work/subject-matter will not be otherwise available to the educational institution for making its acquisition decision if the circumvention is not done <sup>3489</sup>
Provision	s 260(7)
Scope of TPM/RMI restriction	exempted from offence of willfully and for the purpose of obtaining any commercial advantage or private financial gain, removing or altering, without consent, RMI relating to any work, subject-matter, recording of a performance, or distributing/importing for distribution such RMI or works which RMI had been removed or altered
Type(s) of source work(s)	
Beneficiary exercising restriction	an educational institution, an institution assisting persons with reading disabilities, an institution assisting intellectually handicapped readers, or such public, non-commercial broadcasting organisation as the Minister may prescribe
Purpose of restriction	
Condition of restriction	

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<sup>3488</sup> S 261D(1)(a).

<sup>3489</sup> S 261D(1)(a).

## Slovakia

### 1. Treaties & Legislation

Treaties:

Berne Convention: January 1, 1993 (Paris Act (1971): January 1, 1993)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

Act No. 185/2015 Coll. on Copyright and Related Rights (as amended by Act No. 125/2016 Coll.)

### 2. Private/Personal Use

Provision	S 42
Scope of private/personal use	use by producing a copy
Type(s) of source work(s)	a work, (performance, phonogram, audiovisual record, broadcast), <sup>3490</sup> whose origin must not infringe the author's rights <sup>3491</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	private use
Condition of private/personal use	purpose that is not directly or indirectly commercial
Frequency/copies and limits	one copy
Preclusions (not part of private/personal use)	use shall not conflict with a normal exploitation of the work and not unreasonably prejudice the legitimate interests of the author <sup>3492</sup>
Subject to Attribution	
Subject to Remuneration	levy (remuneration) on a technical device for the temporary or permanent reproduction of a copy, reproduction or preservation of a copy of a work <sup>3493</sup> or an unrecorded record carrier enabling the reproduction of the work, <sup>3494</sup> payable by manufacturer, importer, provider of reprographic services for remuneration, <sup>3495</sup> to be distributed among authors <sup>3496</sup>
Provision	S 43
Scope of private/personal use	copy by transferring it to paper or similar substrate by means of a reprographic device or other technical device having a similar effect

<sup>3490</sup> Ss 103, 13, 121, 127.

<sup>3491</sup> S 35(3).

<sup>3492</sup> S 34.

<sup>3493</sup> Annex 2 Paras 1(b)-(g) (defining technical device as including set-top boxes, game consoles, smart TVs, mp3 or mp3 recorders, mobile telephones, tablets, computers, cameras etc.).

<sup>3494</sup> Annex 2 Para 1(a) (defining record carrier as "CD, DVD, Blu-ray, minidisk, magnetic tape or other similar optical, magnetic or electronic media, or a USB stick, a memory card, a hard drive not incorporated in a technical device").

<sup>3495</sup> S 36(3).

<sup>3496</sup> S 36(2).

Type(s) of source work(s)	a work, (performance, phonogram, audiovisual record, broadcast), <sup>3497</sup> whose origin must not infringe the author's rights <sup>3498</sup>
Entity exercising private/personal use	a legal person or a natural person
Purpose of private/personal use	a legal person acting for its own needs or a natural person by himself or through a third party
Condition of private/personal use	
Frequency/copies and limits	copy thus reproduced may be publicly distributed by a free transfer of ownership
Preclusions (not part of private/personal use)	whole or part of the verbal work, the musical work recorded in writing and the graphic representation of the architectural work  use shall not conflict with a normal exploitation of the work and not unreasonably prejudice the legitimate interests of the author <sup>3499</sup>
Subject to Attribution	
Subject to Remuneration	levy (remuneration) on a technical device for the temporary or permanent reproduction of a copy, reproduction or preservation of a copy of a work <sup>3500</sup> or provision of reprographic services, <sup>3501</sup> payable by manufacturer, importer, reprographic service provider, <sup>3502</sup> to be distributed among authors <sup>3503</sup>

### 3. Quotations

Provision	s 37
Scope of quotation	use in the form of quotation
Type(s) of source work(s)	published work or part of it, (performance, phonogram, audiovisual record, broadcast) <sup>3504</sup>
Entity exercising quotation	
Purpose of quotation	in particular for the purpose of reviewing or criticizing the work
Condition of quotation	use must be in accordance with practice  scope does not exceed extent justified by the purpose
Preclusions (not part of quotation)	use shall not conflict with a normal exploitation of the work and not unreasonably prejudice the legitimate interests of the author <sup>3505</sup>

<sup>3497</sup> Ss 103, 13, 121, 127.

<sup>3498</sup> S 35(3).

<sup>3499</sup> S 34.

<sup>3500</sup> Annex 2 Paras 2(a)-(d) (defining technical device as including printers, scanners, fax machines, multifunctional devices, tablets, computers, cameras).

<sup>3501</sup> Annex 2 Para 2(e).

<sup>3502</sup> S 36(3).

<sup>3503</sup> S 36(2), (3).

<sup>3504</sup> Ss 103, 13, 121, 127.

<sup>3505</sup> S 34.

Subject to Attribution	source, title, author/performer (if not anonymous) <sup>3506</sup>
Subject to Remuneration	not required ("not result in obligation to pay remuneration")

#### 4. Research/Educational Reproduction

Provision	s 44
Scope of research/educational reproduction	copying, publicly performing or publicly transmitting
Type(s) of source work(s)	a published work, (performance, phonogram, audiovisual record, broadcast) <sup>3507</sup>
Entity exercising reproduction	a person
Purpose of educational reproduction	purpose of a demonstration of teaching or research
Condition of reproduction	no profit direct or indirect
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	use shall not conflict with a normal exploitation of the work and not unreasonably prejudice the legitimate interests of the author <sup>3508</sup>
Subject to Attribution	source, author (if appropriate) <sup>3509</sup>
Subject to Remuneration	not required <sup>3510</sup>
Provision	s 48
Scope of research/educational reproduction	use by reproducing or communication to the public by means of a designated end device located on premises of entity
Type(s) of source work(s)	a work, (performance, phonogram, audiovisual record, broadcast) <sup>3511</sup>
Entity exercising reproduction	a library, archive, museum or school
Purpose of educational reproduction	purpose of education, research
Condition of reproduction	for the needs of a natural person
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	unless such use is contrary to the conditions for the acquisition or use of such work by entity  use shall not conflict with a normal exploitation of the work and not unreasonably prejudice the legitimate interests of the author <sup>3512</sup>
Subject to Attribution	source, author (if appropriate) <sup>3513</sup>
Subject to Remuneration	not required <sup>3514</sup>
Provision	s 45(2)
Scope of research/educational reproduction	use

<sup>3506</sup> S 35.

<sup>3507</sup> Ss 103, 13, 121, 127.

<sup>3508</sup> S 34.

<sup>3509</sup> S 35(2).

<sup>3510</sup> S 36(1).

<sup>3511</sup> Ss 103, 13, 121, 127.

<sup>3512</sup> S 34.

<sup>3513</sup> S 35(2).

<sup>3514</sup> S 36(1).

Type(s) of source work(s)	a school work, (performance, phonogram, audiovisual record, broadcast) <sup>3515</sup>
Entity exercising reproduction	the school facility, the college, the educational institution for further education <sup>3516</sup>
Purpose of educational reproduction	school activities
Condition of reproduction	work is used for free fulfilment of tasks belonging to the subject of school activities
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	use shall not conflict with a normal exploitation of the work and not unreasonably prejudice the legitimate interests of the author <sup>3517</sup>
Subject to Attribution	source, author (if appropriate) <sup>3518</sup>
Subject to Remuneration	not required <sup>3519</sup>

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

#### 6. School Performances

Provision	s 44
Scope of school performance	publicly performing
Type(s) of source work(s)	a published work, (performance, phonogram, audiovisual record, broadcast) <sup>3520</sup>
Entity exercising school performance	a person
Purpose of school performance	purpose of a demonstration of teaching or research
Condition of school performance	no profit direct or indirect
Preclusions (not part of school performance)	use shall not conflict with a normal exploitation of the work and not unreasonably prejudice the legitimate interests of the author <sup>3521</sup>
Subject to Attribution	source, author (if appropriate) <sup>3522</sup>
Subject to Remuneration	not required <sup>3523</sup>
Provision	s 45(1)
Scope of school performance	performance
Type(s) of source work(s)	a published work, (performance, phonogram, audiovisual record, broadcast) <sup>3524</sup>
Entity exercising school performance	the school facility, the college, the educational institution for further education and its pedagogical employee, the professional employee, the natural person providing further education or training a natural person who participates in the education or training process
Purpose of school performance	a school performance

<sup>3515</sup> Ss 103, 13, 121, 127.

<sup>3516</sup> S 45(1) (defining "school").

<sup>3517</sup> S 34.

<sup>3518</sup> S 35(2).

<sup>3519</sup> S 36(1).

<sup>3520</sup> Ss 103, 13, 121, 127.

<sup>3521</sup> S 34.

<sup>3522</sup> S 35(2).

<sup>3523</sup> S 36(1).

<sup>3524</sup> Ss 103, 13, 121, 127.



Condition of school performance	school performance exclusively organized by a school or its founder  exhibitions are not directly or indirectly for profit
Preclusions (not part of school performance)	use shall not conflict with a normal exploitation of the work and not unreasonably prejudice the legitimate interests of the author <sup>3525</sup>
Subject to Attribution	source, author (if appropriate) <sup>3526</sup>
Subject to Remuneration	not required <sup>3527</sup>

Provision	s 45(2)
Scope of school performance	use
Type(s) of source work(s)	a school work, (performance, phonogram, audiovisual record, broadcast) <sup>3528</sup>
Entity exercising school performance	the school facility, the college, the educational institution for further education <sup>3529</sup>
Purpose of school performance	school activities
Condition of school performance	work is used for free fulfilment of tasks belonging to the subject of school activities
Preclusions (not part of school performance)	use shall not conflict with a normal exploitation of the work and not unreasonably prejudice the legitimate interests of the author <sup>3530</sup>
Subject to Attribution	source, author (if appropriate) <sup>3531</sup>
Subject to Remuneration	not required <sup>3532</sup>

## 7. Educational Broadcasts/Communications/Recordings

Provision	s 44
Scope of broadcast/communication/recording	publicly transmitting
Type(s) of source work(s)	a published work, (performance, phonogram, audiovisual record, broadcast) <sup>3533</sup>
Entity exercising broadcast/communication/recording	a person
Purpose of broadcast/communication/recording	purpose of a demonstration of teaching or research
Condition of broadcast/communication/recording	no profit direct or indirect
Frequency/limits of broadcast/communication/recording	

<sup>3525</sup> S 34.

<sup>3526</sup> S 35(2).

<sup>3527</sup> S 36(1).

<sup>3528</sup> Ss 103, 13, 121, 127.

<sup>3529</sup> S 45(1) (defining "school").

<sup>3530</sup> S 34.

<sup>3531</sup> S 35(2).

<sup>3532</sup> S 36(1).

<sup>3533</sup> Ss 103, 13, 121, 127.

Preclusions (not part of broadcast/communication/recording)	use shall not conflict with a normal exploitation of the work and not unreasonably prejudice the legitimate interests of the author <sup>3534</sup>
Subject to Attribution	source, author (if appropriate) <sup>3535</sup>
Subject to Remuneration	not required <sup>3536</sup>
Provision	s 48
Scope of broadcast/communication/recording	use by communication to the public by means of a designated end device located on premises of entity
Type(s) of source work(s)	a work, (performance, phonogram, audiovisual record, broadcast) <sup>3537</sup>
Entity exercising broadcast/communication/recording	a library, archive, museum or school
Purpose of broadcast/communication/recording	purpose of education, research
Condition of broadcast/communication/recording	for the needs of a natural person
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	unless such use is contrary to the conditions for the acquisition or use of such work by entity  use shall not conflict with a normal exploitation of the work and not unreasonably prejudice the legitimate interests of the author <sup>3538</sup>
Subject to Attribution	source, author (if appropriate) <sup>3539</sup>
Subject to Remuneration	not required <sup>3540</sup>

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes


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<sup>3534</sup> S 34.

<sup>3535</sup> S 35(2).

<sup>3536</sup> S 36(1).

<sup>3537</sup> Ss 103, 13, 121, 127.

<sup>3538</sup> S 34.

<sup>3539</sup> S 35(2).

<sup>3540</sup> S 36(1).

## Slovenia

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 25, 1991 (Paris Act (1971): June 25, 1991)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

Copyright and Related Rights Act (as amended up to October 22, 2016)

### 2. Private/Personal Use

Provision	Art. 50(2)
Scope of private/personal use	reproduction, (private or internal transformation not intended for, and not available to the public) <sup>3541</sup>
Type(s) of source work(s)	a disclosed work, (a performance, phonogram, film, broadcast, published edition) <sup>3542</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	
Condition of private/personal use	- on paper or similar medium by photographic or similar technique, or - on any other medium if for private use, if copies are not available to the public and not done for direct or indirect economic advantage
Frequency/copies and limits	no more than 3 copies
Preclusions (not part of private/personal use)	building of architectural structures, written work to the extent of the whole book (unless out of print for at least 2 years), <sup>3543</sup> musical notation (unless by handwritten transcription), <sup>3544</sup> electronic database, computer program, unless provided by contract or by the Act  extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author" <sup>3545</sup>
Subject to Attribution	
Subject to Remuneration	levy (equitable remuneration) for making a sound or visual fixation, and for photocopying of

<sup>3541</sup> Art. 53.1.

<sup>3542</sup> Art. 4(2).

<sup>3543</sup> Art. 50(5).

<sup>3544</sup> Art. 50(5).

<sup>3545</sup> Art. 46.

	<p>work<sup>3546</sup> payable on blank audio or video fixation media, appliances for sound or visual fixation or for photocopying and photocopies made for sale,<sup>3547</sup> payable by manufacturer, importer, paid photocopy service providers,<sup>3548</sup> to account of CMOs, to be distributed among approved authors,<sup>3549</sup> performers,<sup>3550</sup> producers of phonograms,<sup>3551</sup> film producers<sup>3552</sup> and publishers<sup>3553</sup></p> <p>otherwise: not required ("reproduction of a disclosed work shall be free")<sup>3554</sup></p>
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### 3. Quotations

Provision	Art. 51
Scope of quotation	quotations, (transformation dictated by purpose of permitted use or in connection with permitted use and author's objection is unreasonable or in bad faith) <sup>3555</sup>
Type(s) of source work(s)	parts of a disclosed work and of single disclosed photographs, works of fine arts, architecture, applied art, industrial design and cartography, (a performance, phonogram, film, broadcast, published edition) <sup>3556</sup>
Entity exercising quotation	
Purpose of quotation	illustration, argumentation or referral
Condition of quotation	
Preclusions (not part of quotation)	"extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author" <sup>3557</sup>
Subject to Attribution	source, author (if indicated)
Subject to Remuneration	not required ("It shall be permissible")

### 4. Research/Educational Reproduction

Provision	Art. 50(3)
Scope of research/educational reproduction	reproduction, (transformation is private or internal and not intended for and not available to

<sup>3546</sup> Art. 37.

<sup>3547</sup> Art. 37.

<sup>3548</sup> Art. 38.

<sup>3549</sup> Art. 37.

<sup>3550</sup> Art. 123.

<sup>3551</sup> Art. 131.

<sup>3552</sup> Art. 135.

<sup>3553</sup> Art. 139.

<sup>3554</sup> Art. 50(1).

<sup>3555</sup> Art. 53.3, 53.4.

<sup>3556</sup> Art. 4(2).

<sup>3557</sup> Art. 46.

	the public, dictated by purpose of permitted use, or in connection with permitted use and author's objection is unreasonable or in bad faith) <sup>3558</sup>
Type(s) of source work(s)	a disclosed work, (a performance, phonogram, film, broadcast, published edition) <sup>3559</sup> from [entity's] own copies
Entity exercising reproduction	publicly accessible archives and libraries, museums and educational or scientific establishments
Purpose of educational reproduction	for internal use
Condition of reproduction	not done for direct or indirect economic advantage
Frequency/copies and limits	no more than 3 copies
Preclusions (not part of research/educational reproduction)	"extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author" <sup>3560</sup>
Subject to Attribution	
Subject to Remuneration	levy (equitable remuneration) for making a sound or visual fixation, and for photocopying of work <sup>3561</sup> payable on blank audio or video fixation media, appliances for sound or visual fixation or for photocopying and photocopies made for sale, <sup>3562</sup> payable by manufacturer, importer, paid photocopy service providers, <sup>3563</sup> to account of CMOs, to be distributed among approved authors, <sup>3564</sup> performers, <sup>3565</sup> producers of phonograms, <sup>3566</sup> film producers <sup>3567</sup> and publishers <sup>3568</sup>  otherwise: not required ("reproduction of a disclosed work shall be free") <sup>3569</sup>

## 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 47(1).1
Scope of anthologies/compilations limitation/exception	reproduce in readers and textbooks, (transform, which is dictated by purpose of permitted use, or

<sup>3558</sup> Art. 53.1, 53.3, 53.4.

<sup>3559</sup> Art. 4(2).

<sup>3560</sup> Art. 46.

<sup>3561</sup> Art. 37.

<sup>3562</sup> Art. 37.

<sup>3563</sup> Art. 38.

<sup>3564</sup> Art. 37.

<sup>3565</sup> Art. 123.

<sup>3566</sup> Art. 131.

<sup>3567</sup> Art. 135.

<sup>3568</sup> Art. 139.

<sup>3569</sup> Art. 50(1).

	in connection with permitted use and author's objection is unreasonable or in bad faith) <sup>3570</sup>
Type(s) of source work(s)	parts of works, as well as single works of photography, fine arts, architecture, applied art, industrial design and cartography, as already disclosed works of a number of authors, (a performance, phonogram, film, broadcast, published edition) <sup>3571</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	intended for teaching
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	"extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author" <sup>3572</sup>
Subject to Attribution	source, author (if indicated) <sup>3573</sup>
Subject to Remuneration	equitable remuneration payable <sup>3574</sup>

Provision	Art. 47(1).2
Scope of anthologies/compilations limitation/exception	reproduce, in periodical publications or separate press reviews, (transform, which is dictated by purpose of permitted use, or in connection with permitted use and author's objection is unreasonable or in bad faith) <sup>3575</sup>
Type(s) of source work(s)	articles on current economic, political or religious topics or other subject matter of a similar nature
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	
Condition of anthologies/compilations limitation/exception	author did not expressly prohibit [such reproductions]
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	"extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably

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<sup>3570</sup> Art. 53.3, 53.4.

<sup>3571</sup> Art. 4(2).

<sup>3572</sup> Art. 46.

<sup>3573</sup> Art. 47(3).

<sup>3574</sup> Art. 47(1).

<sup>3575</sup> Art. 53.3, 53.4.

	prejudice the legitimate interests of the author" <sup>3576</sup>
Subject to Attribution	source, author (if indicated) <sup>3577</sup>
Subject to Remuneration	equitable remuneration payable <sup>3578</sup>

## 6. School Performances

Provision	Art. 49(1).1
Scope of school performance	publicly perform, (transform, which is dictated by purpose of permitted use, or in connection with permitted use and author's objection is unreasonable or in bad faith) <sup>3579</sup>
Type(s) of source work(s)	a disclosed work, (a performance, phonogram, film, broadcast, published edition) <sup>3580</sup>
Entity exercising school performance	
Purpose of school performance	direct teaching
Condition of school performance	
Preclusions (not part of school performance)	"extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author" <sup>3581</sup>
Subject to Attribution	source, author (if indicated) <sup>3582</sup>
Subject to Remuneration	not required ("it shall be permissible")

Provision	Art. 49(1).2
Scope of school performance	publicly perform, at school events, (transform, which is dictated by purpose of permitted use, or in connection with permitted use and author's objection is unreasonable or in bad faith) <sup>3583</sup>
Type(s) of source work(s)	a disclosed work, (a performance, phonogram, film, broadcast, published edition) <sup>3584</sup>
Entity exercising school performance	
Purpose of school performance	
Condition of school performance	free admission  performers receive no payment for their performance
Preclusions (not part of school performance)	"extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal

<sup>3576</sup> Art. 46.

<sup>3577</sup> Art. 47(3).

<sup>3578</sup> Art. 47(1).

<sup>3579</sup> Art. 53.3, 53.4.

<sup>3580</sup> Art. 4(2).

<sup>3581</sup> Art. 46.

<sup>3582</sup> Art. 49(2).

<sup>3583</sup> Art. 53.3, 53.4.

<sup>3584</sup> Art. 4(2).

	use of the work, and does not unreasonably prejudice the legitimate interests of the author" <sup>3585</sup>
Subject to Attribution	source, author (if indicated) <sup>3586</sup>
Subject to Remuneration	not required ("it shall be permissible")

## 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 47(2)
Scope of broadcast/communication/recording	public communication, <sup>3587</sup> (transformation, which is dictated by purpose of permitted use, or in connection with permitted use and author's objection is unreasonable or in bad faith) <sup>3588</sup>
Type(s) of source work(s)	parts of works, as well as single works of photography, fine arts, architecture, applied art, industrial design and cartography, as already disclosed works of a number of authors, (performances, phonograms, films, broadcasts, published editions) <sup>3589</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	intended for teaching
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	"extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author" <sup>3590</sup>
Subject to Attribution	source, author (if indicated) <sup>3591</sup>
Subject to Remuneration	on payment of equitable remuneration <sup>3592</sup>

Provision	Art. 49(1).1
Scope of broadcast/communication/recording	communicate to the public, (transform, which is dictated by purpose of permitted use, or in connection with permitted use and author's objection is unreasonable or in bad faith) <sup>3593</sup>
Type(s) of source work(s)	a disclosed work, (a performance, phonogram, film, broadcast, published edition) <sup>3594</sup>

<sup>3585</sup> Art. 46.

<sup>3586</sup> Art. 49(2).

<sup>3587</sup> Art. 47(2) (applying Art. 47(1) mutatis mutandis to communications).

<sup>3588</sup> Art. 53.3, 53.4.

<sup>3589</sup> Art. 4(2).

<sup>3590</sup> Art. 46.

<sup>3591</sup> Art. 47(3).

<sup>3592</sup> Art. 47(1).

<sup>3593</sup> Art. 53.3, 53.4.

<sup>3594</sup> Art. 4(2).



Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	direct teaching
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	"extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author" <sup>3595</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if indicated) <sup>3596</sup>
Subject to Remuneration	not required ("it shall be permissible")

Provision	Art. 49(1).3
Scope of broadcast/communication/recording	rebroadcast, (transformation, which is dictated by purpose of permitted use, or in connection with permitted use and author's objection is unreasonable or in bad faith) <sup>3597</sup>
Type(s) of source work(s)	a radio or television school broadcast
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	"extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author" <sup>3598</sup>
Subject to Attribution	source, author (if indicated) <sup>3599</sup>
Subject to Remuneration	not required ("it shall be permissible")

## 8. Compulsory Licences for Educational Reproductions and Translations

## 9. TPM/RMI Exceptions for Educational Purposes

<sup>3595</sup> Art. 46.

<sup>3596</sup> Art. 49(2).

<sup>3597</sup> Art. 53.3, 53.4.

<sup>3598</sup> Art. 46.

<sup>3599</sup> Art. 47(3).

Provision	Art. 166c
Scope of TPM/RMI restriction	request to require rightholder, who used technological measures in respect of his work, to take appropriate means (except for agreements implemented by rightholder for this purpose) <sup>3600</sup>
Type(s) of source work(s)	work/subject-matter (but not applicable to works/subject-matter available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them <sup>3601</sup> )
Beneficiary exercising restriction	“beneficiaries”: users who have legal access to work/subject-matter for, <i>inter alia</i> , teaching (Art. 49), private and other internal reproduction (Art. 50)
Purpose of restriction	means to enable “beneficiaries” to enforce the copyright and related rights limitations
Condition of restriction	

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<sup>3600</sup> Art. 166c(4).1.

<sup>3601</sup> Arts. 166c(4).2, 32a, taken from EU Copyright Directive 2001/29, Art. 6(4).

## Somalia

### 1. Treaties & Legislation

Treaties:

Berne Convention: not a party

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Art. 142 (Existing Federal Member States in Somalia), Provisional Constitution of the Federal Republic of Somalia 2012

Copyright Law – Law No. 66 of 7 September 1977, Somali Democratic Republic<sup>3602</sup>

### 2. Private/Personal Use

Provision	Art. 35
Scope of private/personal use	reproduction, translation, adaptation, arrangement, transformation
Type(s) of source work(s)	a work <sup>3603</sup>
Entity exercising private/personal use	
Purpose of private/personal use	for personal use only
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	

### 3. Quotations

Provision	Art. 35
Scope of quotation	include in another work, illustrations and any other extracts (or quotations)
Type(s) of source work(s)	a protected work, or articles published in newspapers or periodicals
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	illustrations and other extracts (or quotations) should not exceed the extent justified by the purpose of their use
Preclusions (not part of quotation)	
Subject to Attribution	work: name of author or articles published in newspapers: authors (if signed), or source (if not signed)
Subject to Remuneration	

<sup>3602</sup> Somalilandlaw.com, Somaliland Copyright Law, [http://www.somalilandlaw.com/somaliland\\_copyright\\_law.html](http://www.somalilandlaw.com/somaliland_copyright_law.html).

<sup>3603</sup> The status of neighbouring rights under Somalia's copyright laws is unclear.

4. Research/Educational Reproduction

Provision	Art. 35
Scope of research/educational reproduction	reproduce, photocopy or otherwise publish
Type(s) of source work(s)	a literary, artistic or academic work, previously lawfully published
Entity exercising reproduction	public libraries, schools, colleges or any other educational places
Purpose of educational reproduction	
Condition of reproduction	
Frequency/copies and limits	number of copies made shall not exceed the required number
Preclusions (not part of research/educational reproduction)	reproduction must not damage the legitimate interests of the author
Subject to Attribution	
Subject to Remuneration	

5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 35
Scope of anthologies/compilations limitation/exception	including in another work, illustrations or extracts
Type(s) of source work(s)	a work or a recording
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for use in schools, universities, training programmes and other similar places, only for educational purposes
Condition of anthologies/compilations limitation/exception	use shall not exceed intended purpose
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title, author
Subject to Remuneration	

6. School Performances7. Educational Broadcasts/Communications/Recordings8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 34
Nature of compulsory licence for translation for educational purposes	binding order for use
Scope of compulsory licence for digital copying and dissemination	probably digital reproduction

	probably digital publication <sup>3604</sup> probably digital dissemination <sup>3605</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	scientific works
Purpose of licence	in the public interest
Condition of licence	where author or copyright owner has refused without a reason the necessary permission for the use of a work or has made the permission for use contingent on unreasonable conditions or on conditions whose fulfilment would involve insurmountable difficulties
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Minister

Provision	Art. 34
Nature of compulsory licence for reproduction for educational purposes	binding order for use
Scope of compulsory licence for digital copying and dissemination	probably digital reproduction probably digital publication <sup>3606</sup> probably digital dissemination <sup>3607</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	scientific works
Purpose of licence	in the public interest
Condition of licence	where author or copyright owner has refused without a reason the necessary permission for the use of a work or has made the permission for use contingent on unreasonable conditions or on conditions whose fulfilment would involve insurmountable difficulties
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Minister

## 9. TPM/RMI Exceptions for Educational Purposes

<sup>3604</sup> Arts. 16, 13 to 15 describe the economic rights as encompassing, inter alia, the right of reproduction (and to decide the manner in which that work shall be reproduced), and the right to communicate it to the public. Given the open texture of the licence as "a binding order ... for use", presumably this will encompass both the right of digital publication as well as the right of digital dissemination.

<sup>3605</sup> *Id.*

<sup>3606</sup> Arts. 16, 13 to 15 describe the economic rights as encompassing, inter alia, the right of reproduction (and to decide the manner in which that work shall be reproduced), and the right to communicate it to the public. Given the open texture of the licence as "a binding order ... for use", presumably this will encompass both the right of digital publication as well as the right of digital dissemination.

<sup>3607</sup> *Id.*

## South Africa

### 1. Treaties & Legislation

Treaties:

Berne Convention: October 3, 1928 (Paris Act (1971): March 24, 1975)

WIPO Copyright Treaty: signed December 12, 1997

WIPO Performances and Phonograms Treaty: signed December 12, 1997

Legislation:

Copyright Act, 1978 (Act No. 98 of 1978, as amended up to Copyright Amendment Act 2002)

### 2. Private/Personal Use

Provision	s 12(1)(a)
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a literary or musical work, (and its adaptation), <sup>3608</sup> (in its original language or in a different language) <sup>3609</sup> , an artistic work, <sup>3610</sup> a broadcast, <sup>3611</sup> a published edition <sup>3612</sup>
Entity exercising private/personal use	
Purpose of private/personal use	research or private study by, or the personal or private use of, the person using the work
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright shall not be infringed")

### 3. Quotations

Provision	s 12(1)(b)
Scope of quotation	fair dealing
Type(s) of source work(s)	a literary or musical work (and its adaptation), <sup>3613</sup> (in its original language or in a different language) <sup>3614</sup> , an artistic work, <sup>3615</sup> a cinematograph film, <sup>3616</sup> a sound recording, <sup>3617</sup> a broadcast, <sup>3618</sup> a published edition <sup>3619</sup>
Entity exercising quotation	

<sup>3608</sup> S 12(9) (applying to s 12(1) to (7)).

<sup>3609</sup> S 12(11) (applying to s 12(1) to (4), (6), (7) and (10)).

<sup>3610</sup> S 15(4) (applying s 12(1), (2), (4), (5), (9), (10), (12) and (13), mutatis mutandis, to artistic works).

<sup>3611</sup> S 18 (applying s 12(1) to (5), (12), (13), mutatis mutandis, to broadcasts).

<sup>3612</sup> S 19A (sections 12 (1), (2), (4), (5), (8), (12) and (13), mutatis mutandis, to published editions).

<sup>3613</sup> S 12(9) (applying to s 12(1) to (7)).

<sup>3614</sup> S 12(11) (applying to s 12(1) to (4), (6), (7) and (10)).

<sup>3615</sup> S 15(4) (applying s 12(1), (2), (4), (5), (9), (10), (12) and (13), mutatis mutandis, to artistic works).

<sup>3616</sup> S 16(1) (applying s 12(1)(b) and (c), (2), (3), (4), (12), (13), mutatis mutandis, to cinematograph films).

<sup>3617</sup> S 17 (applying s 12(1)(b) and (c), (2), (3), (4), (5), (12) and (13), mutatis mutandis, to sound recordings).

<sup>3618</sup> S 18 (applying s 12(1) to (5), (12), (13), mutatis mutandis, to broadcasts).

<sup>3619</sup> S 19A (sections 12 (1), (2), (4), (5), (8), (12) and (13), mutatis mutandis, to published editions).

Purpose of quotation	criticism or review of that work or of another work
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated)
Subject to Remuneration	not required ("Copyright shall not be infringed")

Provision	s 12(3)
Scope of quotation	quotation
Type(s) of source work(s)	a literary or musical work (and its adaptation), <sup>3620</sup> (in its original language or in a different language) <sup>3621</sup> which is lawfully available to the public, articles in newspapers or periodicals that are in the form of summaries of any such work, a cinematograph film, <sup>3622</sup> a sound recording, <sup>3623</sup> a broadcast <sup>3624</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated)
Subject to Remuneration	not required ("copyright ... shall not be infringed")

#### 4. Research/Educational Reproduction

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 12(4)
Scope of anthologies/compilations limitation/exception	use, by way of illustration in any publication
Type(s) of source work(s)	a literary or musical work (and its adaptation), <sup>3625</sup> (in its original language or in a different language) <sup>3626</sup> , an artistic work, <sup>3627</sup> a cinematograph film, <sup>3628</sup> a sound recording, <sup>3629</sup> a broadcast, <sup>3630</sup> a published edition <sup>3631</sup>
Entity exercising anthologies/compilations limitation/exception	

<sup>3620</sup> S 12(9) (applying to s 12(1) to (7)).

<sup>3621</sup> S 12(11) (applying to s 12(1) to (4), (6), (7) and (10)).

<sup>3622</sup> S 16(1) (applying s 12(1)(b) and (c), (2), (3), (4), (12), (13), mutatis mutandis, to cinematograph films).

<sup>3623</sup> S 17 (applying s 12(1)(b) and (c), (2), (3), (4), (5), (12) and (13), mutatis mutandis, to sound recordings).

<sup>3624</sup> S 18 (applying s 12(1) to (5), (12), (13), mutatis mutandis, to broadcasts).

<sup>3625</sup> S 12(9) (applying to s 12(1) to (7)).

<sup>3626</sup> S 12(11) (applying to s 12(1) to (4), (6), (7) and (10)).

<sup>3627</sup> S 15(4) (applying s 12(1), (2), (4), (5), (9), (10), (12) and (13), mutatis mutandis, to artistic works).

<sup>3628</sup> S 16(1) (applying s 12(1)(b) and (c), (2), (3), (4), (12), (13), mutatis mutandis, to cinematograph films).

<sup>3629</sup> S 17 (applying s 12(1)(b) and (c), (2), (3), (4), (5), (12) and (13), mutatis mutandis, to sound recordings).

<sup>3630</sup> S 18 (applying s 12(1) to (5), (12), (13), mutatis mutandis, to broadcasts).

<sup>3631</sup> S 19A (sections 12 (1), (2), (4), (5), (8), (12) and (13), mutatis mutandis, to published editions).

Purpose of anthologies/compilations limitation/exception	for teaching
Condition of anthologies/compilations limitation/exception	use is compatible with fair practice
Frequency/copies and limits	use to extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if indicated)
Subject to Remuneration	not required ("copyright ... shall not be infringed")

6. School Performances

7. Educational Broadcasts/Communications/Recordings

Provision	s 12(4)
Scope of broadcast/communication/recording	use, by way of illustration in any broadcast or sound or visual record
Type(s) of source work(s)	a literary or musical work (and its adaptation), <sup>3632</sup> (in its original language or in a different language) <sup>3633</sup> , an artistic work, <sup>3634</sup> a cinematograph film, <sup>3635</sup> a sound recording, <sup>3636</sup> a broadcast, <sup>3637</sup> a published edition <sup>3638</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for teaching
Condition of broadcast/communication/recording	use is compatible with fair practice
Frequency/limits of broadcast/communication/recording	use to extent justified by the purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if indicated)
Subject to Remuneration	not required ("copyright ... shall not be infringed")

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

<sup>3632</sup> S 12(9) (applying to s 12(1) to (7)).

<sup>3633</sup> S 12(11) (applying to s 12(1) to (4), (6), (7) and (10)).

<sup>3634</sup> S 15(4) (applying s 12(1), (2), (4), (5), (9), (10), (12) and (13), mutatis mutandis, to artistic works).

<sup>3635</sup> S 16(1) (applying s 12(1)(b) and (c), (2), (3), (4), (12), (13), mutatis mutandis, to cinematograph films).

<sup>3636</sup> S 17 (applying s 12(1)(b) and (c), (2), (3), (4), (5), (12) and (13), mutatis mutandis, to sound recordings).

<sup>3637</sup> S 18 (applying s 12(1) to (5), (12), (13), mutatis mutandis, to broadcasts).

<sup>3638</sup> S 19A (sections 12 (1), (2), (4), (5), (8), (12) and (13), mutatis mutandis, to published editions).



## Spain

### 1. Treaties & Legislation

Treaties:

Berne Convention: December 5, 1887 (Paris Act (1971): February 19, 1974)

WIPO Copyright Treaty: March 14, 2010

WIPO Performances and Phonograms Treaty: March 14, 2010

Legislation:

Consolidated Text of the Law on Intellectual Property, regularizing, clarifying and harmonizing the Applicable Statutory Provisions (approved by Royal Legislative Decree No. 1/1996 of April 12, 1996, and amended up to Law No. 12/2017 of 3 July, 2017)

### 2. Private/Personal Use

Provision	Art. 31.2
Scope of private/personal use	reproduction, on any medium, without the assistance of third parties
Type(s) of source work(s)	works already made available to the public, [neighbouring rights] <sup>3639</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	exclusively for its private, non-professional or business use
Condition of private/personal use	not directly or indirectly commercial purposes  source works are from a lawful source  reproduction did not violate the conditions of access to works or service  copy is not object of a collective use nor profit, nor of distribution by price
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works that have been made available to the public in accordance with Article 20.2.i), in such a way that anyone can access them from the place and moment they choose, authorizing, as agreed by contract, and, where appropriate, by payment of price, the reproduction of the work  electronic databases, computer programs <sup>3640</sup>  reproduction to not unreasonably prejudice the author's legitimate interests or adversely affect

<sup>3639</sup> Art. 131 (providing that the other intellectual property rights – performances, phonograms, audiovisual recordings, broadcasts, ordinary photographs and specific editorial productions - shall be construed as being without prejudice to those accruing to authors).

<sup>3640</sup> Art. 99.a.

	the normal exploitation of works to which they refer <sup>3641</sup>
Subject to Attribution	
Subject to Remuneration	equitable compensation <sup>3642</sup> for making a reproduction of books or other publications, phonograms, videograms or other sound, visual or audiovisual supports, <sup>3643</sup> payable on equipment, apparatus and media which may be used for private reproduction, <sup>3644</sup> payable by manufacturer, commercial importer, <sup>3645</sup> to account of CMOs, <sup>3646</sup> to be distributed among authors, publishers, producers of phonograms, videograms and performers <sup>3647</sup>

### 3. Quotations

Provision	Art. 32.1
Scope of quotation	include in one's own work, by way of quotation or for analysis, comment or critical assessment
Type(s) of source work(s)	excerpts of the works (already made available to the public) of others, whether of written, sound or audiovisual character, and isolated works (already made available to the public) of three-dimensional or photographic, figurative character, [neighbouring rights] <sup>3648</sup>
Entity exercising quotation	
Purpose of quotation	teaching or research purposes
Condition of quotation	to the extent justified by the purpose of the inclusion
Preclusions (not part of quotation)	use to not unreasonably prejudice the author's legitimate interests or adversely affect the normal exploitation of works to which they refer <sup>3649</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("It shall be lawful")

### 4. Research/Educational Reproduction

Provision	Art. 32.3
Scope of research/educational reproduction	reproduction, distribution and communication to the public

<sup>3641</sup> Art. 40bis.

<sup>3642</sup> Art. 25.1, 25.2, 25.4.

<sup>3643</sup> Art. 25.1.

<sup>3644</sup> Art. 25.1, 25.3, 25.4, 25.6, 25.7.

<sup>3645</sup> Art. 25.3, 25.6.

<sup>3646</sup> Art. 25.9.

<sup>3647</sup> Art. 25.2.

<sup>3648</sup> Art. 131 (providing that the other intellectual property rights – performances, phonograms, audiovisual recordings, broadcasts, ordinary photographs and specific editorial productions - shall be construed as abeing without prejudice to those accruing to authors).

<sup>3649</sup> Art. 40bis.

Type(s) of source work(s)	small fragments of source works and isolated works of a plastic or figurative photographic character, <u>[neighbouring rights]</u> <sup>3650</sup> that are already divulged <sup>3651</sup>
Entity exercising reproduction	teachers in official education programs that are an integral part of the Spanish educational system and staff of universities and public research agencies in their scientific research functions
Purpose of educational reproduction	illustration of their educational activities, both in face-to-face teaching as well as in distance learning
Condition of reproduction	
Frequency/copies and limits	to the extent justified by the non-commercial purpose pursued  small fragment of a work, an extract or portion shall be quantitatively of little relevance to the whole of the same
Preclusions (not part of research/educational reproduction)	textbook, university manual or assimilated publication <sup>3652</sup> (unless acts of reproduction for public communication, including the act of public communication, do not involve the making available or allow for access by public addressees to the work or fragment, or involve distribution of copies exclusively between collaborating research staff on each specific research project and to extent necessary for project), musical scores, single-use works, compilations or groupings of fragments of works, or isolated works of a plastic or figurative character <sup>3653</sup>  reproduction, distribution and communication to not unreasonably prejudice the author's legitimate interests or adversely affect the normal exploitation of works to which they refer <sup>3654</sup>
Subject to Attribution	source, author (unless impossible)
Subject to Remuneration	not required ("shall not require authorization/ authors and publishers will not be entitled to any remuneration")
Provision	Art. 32.4
Scope of research/educational reproduction	acts of partial reproduction, distribution and public communication

<sup>3650</sup> Art. 131 (providing that the other intellectual property rights – performances, phonograms, audiovisual recordings, broadcasts, ordinary photographs and specific editorial productions - shall be construed as abeing without prejudice to those accruing to authors).

<sup>3651</sup> Art. 32.3(b).

<sup>3652</sup> Art. 32.3 proviso ("a textbook, university manual or assimilated publication means any publication, printed or likely to be published, in order to be used as a resource or material for teachers or students of regulated education to facilitate the process of teaching or learning").

<sup>3653</sup> Art. 32.5.

<sup>3654</sup> Art. 40bis.

Type(s) of source work(s)	works or publications, printed or likely to be
Entity exercising reproduction	universities or public research centers, by their personnel and with their own means and instruments
Purpose of educational reproduction	acts are carried out solely for illustration for educational and scientific research purposes
Condition of reproduction	distribution of partial copies made exclusively between students and teaching staff/researcher of same center in which reproduction is made, OR only students and teaching staff/researcher in which partial reproduction of work is carried out may have access through acts of public communication (as authorized) made available through internal and closed networks to which only those beneficiaries can access or via distance education program offered by said educational center
Frequency/copies and limits	limited to a chapter of a book, article of a magazine or equivalent extension with respect to an assimilated publication, or extension assimilable to 10 percent of the total of the work, being indifferent to these effects that the copy is carried through one or more acts of reproduction
Preclusions (not part of research/educational reproduction)	textbook, university manual or assimilated publication <sup>3655</sup> (unless acts of reproduction for public communication, including act of public communication, do not involve making available or allow for access by public addressees to work or fragment, or involve distribution of copies exclusively between collaborating research staff on each specific research project and to extent necessary for project), musical scores, single-use works, compilations or groupings of fragments of works, or isolated works of a plastic or figurative character <sup>3656</sup>  reproduction, distribution and communication to not unreasonably prejudice author's legitimate interests or adversely affect the normal exploitation of works to which they refer <sup>3657</sup>
Subject to Attribution	
Subject to Remuneration	partial reproduction through acts of public communication: equitable remuneration payable by user centres through CMOS to authors and publishers unless there is a previous specific agreement between copyright owner and university centre/research body <sup>3658</sup>

<sup>3655</sup> Art. 32.3 proviso ("a textbook, university manual or assimilated publication means any publication, printed or likely to be published, in order to be used as a resource or material for teachers or students of regulated education to facilitate the process of teaching or learning").

<sup>3656</sup> Art. 32.5.

<sup>3657</sup> Art. 40bis.

<sup>3658</sup> Art. 32.4 proviso.

5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances

Provision	Art. 32.3
Scope of school performance	communication to the public (which includes stage performances, recitations, dissertations and public performances of dramatic, dramatico-musical, literary and musical works by any means or process) <sup>3659</sup>
Type(s) of source work(s)	small fragments of source works and isolated works of a plastic or figurative photographic character, <u>[neighbouring rights]</u> <sup>3660</sup> that are already divulged <sup>3661</sup>
Entity exercising school performance	teachers in official education programs that are an integral part of the Spanish educational system and staff of universities and public research agencies in their scientific research functions
Purpose of school performance	illustration of their educational activities, both in face-to-face teaching as well as in distance learning
Condition of school performance	to the extent justified by the non-commercial purpose pursued  small fragment of a work, an extract or portion shall be quantitatively of little relevance to the whole of the same
Preclusions (not part of school performance)	textbook, university manual or assimilated publication <sup>3662</sup> (unless acts of reproduction for public communication, including the act of public communication, do not involve the making available or allow for access by public addressees to the work or fragment, or involve distribution of copies exclusively between collaborating research staff on each specific research project and to extent necessary for project), musical scores, single-use works, compilations or groupings of fragments of works, or isolated works of a plastic or figurative character <sup>3663</sup>

<sup>3659</sup> Art. 20.2(a).<sup>3660</sup> Art. 131 (providing that the other intellectual property rights – performances, phonograms, audiovisual recordings, broadcasts, ordinary photographs and specific editorial productions - shall be construed as abeing without prejudice to those accruing to authors).<sup>3661</sup> Art. 32.3(b).<sup>3662</sup> Art. 32.3 proviso ("a textbook, university manual or assimilated publication means any publication, printed or likely to be published, in order to be used as a resource or material for teachers or students of regulated education to facilitate the process of teaching or learning").<sup>3663</sup> Art. 32.5.

	reproduction, distribution and communication to not unreasonably prejudice the author's legitimate interests or adversely affect the normal exploitation of works to which they refer <sup>3664</sup>
Subject to Attribution	source, author (unless impossible)
Subject to Remuneration	not required ("shall not require authorization/ authors and publishers will not be entitled to any remuneration")

Provision	Art. 32.4
Scope of school performance	communication to the public (which includes stage performances, recitations, dissertations and public performances of dramatic, dramatico-musical, literary and musical works by any means or process) <sup>3665</sup>
Type(s) of source work(s)	works or publications, printed or likely to be
Entity exercising school performance	universities or public research centers, by their personnel and with their own means and instruments
Purpose of school performance	acts are carried out solely for illustration for educational and scientific research purposes
Condition of school performance	distribution of partial copies made exclusively between students and teaching staff/researcher of same center in which reproduction is made, OR only students and teaching staff/researcher in which partial reproduction of work is carried out may have access through acts of public communication (as authorized) made available through internal and closed networks to which only those beneficiaries can access or via distance education program offered by said educational center  limited to a chapter of a book, article of a magazine or equivalent extension with respect to an assimilated publication, or extension assimilable to 10 percent of the total of the work, being indifferent to these effects that the copy is carried through one or more acts of reproduction
Preclusions (not part of school performance)	textbook, university manual or assimilated publication <sup>3666</sup> (unless acts of reproduction for public communication, including act of public communication, do not involve making available or allow for access by public addressees to work or fragment, or involve distribution of copies

<sup>3664</sup> Art. 40bis.<sup>3665</sup> Art. 20.2(a).<sup>3666</sup> Art. 32.3 proviso ("a textbook, university manual or assimilated publication means any publication, printed or likely to be published, in order to be used as a resource or material for teachers or students of regulated education to facilitate the process of teaching or learning").

	exclusively between collaborating research staff on each specific research project and to extent necessary for project), musical scores, single-use works, compilations or groupings of fragments of works, or isolated works of a plastic or figurative character <sup>3667</sup>
	reproduction, distribution and communication to not unreasonably prejudice author's legitimate interests or adversely affect the normal exploitation of works to which they refer <sup>3668</sup>
Subject to Attribution	
Subject to Remuneration	partial reproduction through acts of public communication: equitable remuneration payable by user centres through CMOS to authors and publishers unless there is a previous specific agreement between copyright owner and university centre/research body <sup>3669</sup>

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 32.3
Scope of broadcast/communication/recording	communication to the public (which includes transmission of any works by radio or other means, and making works available to the public, through wire or wireless procedures, so that any person may access such works from the place and at the time such person may choose) <sup>3670</sup>
Type(s) of source work(s)	small fragments of source works and isolated works of a plastic or figurative photographic character, <u>neighbouring rights</u> <sup>3671</sup> that are already divulged <sup>3672</sup>
Entity exercising broadcast/communication/recording	teachers in official education programs that are an integral part of the Spanish educational system and staff of universities and public research agencies in their scientific research functions
Purpose of broadcast/communication/recording	illustration of their educational activities, both in face-to-face teaching as well as in distance learning
Condition of broadcast/communication/recording	

<sup>3667</sup> Art. 32.5.

<sup>3668</sup> Art. 40bis.

<sup>3669</sup> Art. 32.4 proviso.

<sup>3670</sup> Art. 20.2(c), (i).

<sup>3671</sup> Art. 131 (providing that the other intellectual property rights – performances, phonograms, audiovisual recordings, broadcasts, ordinary photographs and specific editorial productions - shall be construed as being without prejudice to those accruing to authors).

<sup>3672</sup> Art. 32.3(b).

Frequency/limits of broadcast/communication/recording	to the extent justified by the non-commercial purpose pursued  small fragment of a work, an extract or portion shall be quantitatively of little relevance to the whole of the same
Preclusions (not part of broadcast/communication/recording)	textbook, university manual or assimilated publication <sup>3673</sup> (unless acts of reproduction for public communication, including the act of public communication, do not involve the making available or allow for access by public addressees to the work or fragment, or involve distribution of copies exclusively between collaborating research staff on each specific research project and to extent necessary for project), musical scores, single-use works, compilations or groupings of fragments of works, or isolated works of a plastic or figurative character <sup>3674</sup>  reproduction, distribution and communication to not unreasonably prejudice the author's legitimate interests or adversely affect the normal exploitation of works to which they refer <sup>3675</sup>
Subject to Attribution	source, author (unless impossible)
Subject to Remuneration	not required ("shall not require authorization/ authors and publishers will not be entitled to any remuneration")

Provision	Art. 32.4
Scope of broadcast/communication/recording	public communication (which includes transmission of any works by radio or other means, and making works available to the public, through wire or wireless procedures, so that any person may access such works from the place and at the time such person may choose) <sup>3676</sup>
Type(s) of source work(s)	works or publications, printed or likely to be
Entity exercising broadcast/communication/recording	universities or public research centers, by their personnel and with their own means and instruments
Purpose of broadcast/communication/recording	acts are carried out solely for illustration for educational and scientific research purposes
Condition of broadcast/communication/recording	distribution of partial copies made exclusively between students and teaching staff/researcher

<sup>3673</sup> Art. 32.3 proviso ("a textbook, university manual or assimilated publication means any publication, printed or likely to be published, in order to be used as a resource or material for teachers or students of regulated education to facilitate the process of teaching or learning").

<sup>3674</sup> Art. 32.5.

<sup>3675</sup> Art. 40bis.

<sup>3676</sup> Art. 20.2(c), (i).



	of same center in which reproduction is made, OR only students and teaching staff/researcher in which partial reproduction of work is carried out may have access through acts of public communication (as authorized) made available through internal and closed networks to which only those beneficiaries can access or via distance education program offered by said educational center
Frequency/limits of broadcast/communication/recording	limited to a chapter of a book, article of a magazine or equivalent extension with respect to an assimilated publication, or extension assimilable to 10 percent of the total of the work, being indifferent to these effects that the copy is carried through one or more acts of reproduction
Preclusions (not part of broadcast/communication/recording)	textbook, university manual or assimilated publication <sup>3677</sup> (unless acts of reproduction for public communication, including act of public communication, do not involve making available or allow for access by public addressees to work or fragment, or involve distribution of copies exclusively between collaborating research staff on each specific research project and to extent necessary for project), musical scores, single-use works, compilations or groupings of fragments of works, or isolated works of a plastic or figurative character <sup>3678</sup>  reproduction, distribution and communication to not unreasonably prejudice author's legitimate interests or adversely affect the normal exploitation of works to which they refer <sup>3679</sup>
Subject to Attribution	
Subject to Remuneration	partial reproduction through acts of public communication: equitable remuneration payable by user centres through CMOS to authors and publishers unless there is a previous specific agreement between copyright owner and university centre/research body <sup>3680</sup>

## 8. Compulsory Licences for Educational Reproductions and Translations

## 9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 161
Scope of TPM/RMI restriction	require rightholder who used effective technological measures in respect of his

<sup>3677</sup> Art. 32.3 proviso ("a textbook, university manual or assimilated publication means any publication, printed or likely to be published, in order to be used as a resource or material for teachers or students of regulated education to facilitate the process of teaching or learning").

<sup>3678</sup> Art. 32.5.

<sup>3679</sup> Art. 40bis.

<sup>3680</sup> Art. 32.4 proviso.

	work/services [sic] to provide for the “beneficiaries” of the limits the adequate means to enjoy them, according to their purpose
Type(s) of source work(s)	work/services (but not applicable to works/services -matter available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them <sup>3681</sup> )
Beneficiary exercising restriction	“beneficiaries”: users who reproduce work/subject-matter for, <i>inter alia</i> , private copying (Art. 31.2), for illustration for teaching or scientific research (Art. 32.2, 3 and 4)
Purpose of restriction	to the extent necessary and to have legal access to the protected work or subject-matter
Condition of restriction	provision shall not prevent rightholder to works/services from adopting, <i>inter alia</i> , technological measures, with regard to the number of reproductions made as private copies, and such beneficiaries pursuant to Art. 31.2 may not demand removal of such technological measures <sup>3682</sup>

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<sup>3681</sup> Art. 161(5) proviso, taken from EU Copyright Directive 2001/29, Art. 6(4).

<sup>3682</sup> art. 161(4).

## Sri Lanka

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 20, 1959 (Paris Act (1971): September 23, 1978)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Intellectual Property Act, No. 36 of 2003

### 2. Private/Personal Use

Provision	s 12(1)
Scope of private/personal use	private reproduction
Type(s) of source work(s)	a lawful copy of a published work
Entity exercising private/personal use	a physical person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture the form of a building or other constructions, reprographic reproduction of whole or substantial part of book or musical notation, whole or substantial part of a database, computer program <sup>3683</sup> , any work where "reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the owner of the copyright" <sup>3684</sup>
Subject to Attribution	
Subject to Remuneration	not required ("permitted without the authorization of the owner")

Provision	s 21(a)
Scope of private/personal use	use
Type(s) of source work(s)	a performance, sound recording, broadcast
Entity exercising private/personal use	a physical person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

<sup>3683</sup> S 12(7) (excepting use of the computer program and for backup/archival purposes).

<sup>3684</sup> S 12(2)(e).

### 3. Quotations

Provision	s 11(1)
Scope of quotation	fair use, <i>including</i> such use by reproduction in copies or by any other means
Type(s) of source work(s)	a work, (a performance, sound recording, broadcast) <sup>3685</sup>
Entity exercising quotation	
Purpose of quotation	criticism, comment
Condition of quotation	to determine if use is fair use, the following factors shall be considered: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the copyright work; (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; (d) the effect of the use upon the potential market for or value of the work.  acts of fair use shall include the circumstances specified in s 12
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not be an infringement of copyright")
Provision	s 12(3)
Scope of quotation	reproduction in the form of quotation
Type(s) of source work(s)	a short part of a published work, (a performance, sound recording, broadcast) <sup>3686</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	reproduction is compatible with fair practice  reproduction does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without authorization of the owner")

### 4. Research/Educational Reproduction

Provision	s 11(1)
Scope of research/educational reproduction	fair use, including such use by reproduction in copies or by any other means

<sup>3685</sup> S 21(d) (applying copyright limitations and exceptions to related rights).

<sup>3686</sup> S 21(d) (applying copyright limitations and exceptions to related rights).

Type(s) of source work(s)	a work, (a performance, sound recording, broadcast) <sup>3687</sup>
Entity exercising reproduction	
Purpose of educational reproduction	teaching (including multiple copies for classroom use), scholarship or research
Condition of reproduction	to determine if use is fair use, the following factors shall be considered: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the copyright work; (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; (d) the effect of the use upon the potential market for or value of the work.  acts of fair use shall include the circumstances specified in s 12
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not be an infringement of copyright")

Provision	s 12(4)(b)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	published articles, other short works or short extracts of works, (performances, sound recordings, broadcasts) <sup>3688</sup>
Entity exercising reproduction	
Purpose of educational reproduction	face to face teaching in any educational institution
Condition of reproduction	activities of which do not serve direct or indirect commercial gain
Frequency/copies and limits	reproduction does not exceed the extent justified by the purpose  reproduction is an isolated act; if repeated, each occurrence should be separate and unrelated
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if indicated on source, on all copies if practicable)
Subject to Remuneration	not required ("permitted without the authorization of the owner")

<sup>3687</sup> S 21(d) (applying copyright limitations and exceptions to related rights). This however may be subject to an interpretation as to whether s 21(c) excludes the extension of this copyright limitation and exception to the broader class of "teaching" and "research" as opposed to "face-to-face teaching" and "scientific research".

<sup>3688</sup> S 21(d) (applying copyright limitations and exceptions to related rights).

Provision	s 21(c)
Scope of research/educational reproduction	use
Type(s) of source work(s)	performances, sound recordings, broadcasts
Entity exercising reproduction	
Purpose of educational reproduction	solely for face-to-face teaching activities or for scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required (“[neighbouring rights] shall not apply”)

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 12(4)(a)
Scope of anthologies/compilations limitation/exception	reproduction, by way of illustration, in writing or sound or visual recordings
Type(s) of source work(s)	a short part of a published work, (a performance, sound recording, broadcast) <sup>3689</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	teaching purposes
Condition of anthologies/compilations limitation/exception	reproduction is compatible with fair practice
Frequency/copies and limits	reproduction does not exceed the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if indicated on source, on all copies if practicable)
Subject to Remuneration	not required (“permitted without the authorization of the owner”)

#### 6. School Performances

Provision	s 12(10)(a)
Scope of school performance	performance or display
Type(s) of source work(s)	a work, (a performance, sound recording, broadcast) <sup>3690</sup>
Entity exercising school performance	government or non profit educational institutions
Purpose of school performance	educational or teaching purposes
Condition of school performance	in classrooms or similar places set aside for education

<sup>3689</sup> S 21(d) (applying copyright limitations and exceptions to related rights).

<sup>3690</sup> S 21(d) (applying copyright limitations and exceptions to related rights).

	audiovisual work: performance or display of individual images, is given by means of a lawfully made copy, or the person responsible for the performance did not know or had no reason to believe that the copy was not lawfully made
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not be an infringement of copyright")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 11(1)
Scope of broadcast/communication/recording	fair use, including such use by reproduction in copies or by any other means
Type(s) of source work(s)	a work, (a performance, sound recording, broadcast) <sup>3691</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching (including multiple copies for classroom use), scholarship or research
Condition of broadcast/communication/recording	to determine if use is fair use, the following factors shall be considered: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the copyright work; (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; (d) the effect of the use upon the potential market for or value of the work.  acts of fair use shall include the circumstances specified in s 12
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not be an infringement of copyright")

Provision	s 21(c)
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<sup>3691</sup> S 21(d) (applying copyright limitations and exceptions to related rights). This however may be subject to an interpretation as to whether s 21(c) excludes the extension of this copyright limitation and exception to the broader class of "teaching" and "research" as opposed to "face-to-face teaching" and "scientific research".

Scope of broadcast/communication/recording	use
Type(s) of source work(s)	performances, sound recordings, broadcasts
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	solely for face-to-face teaching activities or for scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required (“[neighbouring rights] shall not apply”)

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes



## Sudan

### 1. Treaties & Legislation

Treaties:

Berne Convention: December 28, 2000 (Paris Act (1971): December 28, 2000)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

The Copyright and Neighboring Rights Protection Act 1996

### 2. Private/Personal Use

Provision	s 14(4)
Scope of private/personal use	reproduce, translate or adapt
Type(s) of source work(s)	a published work, (a performance, sound recording, audiovisual recording, broadcast) <sup>3692</sup>
Entity exercising private/personal use	
Purpose of private/personal use	personal and private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	musical scores, databases, computer programs
Subject to Attribution	
Subject to Remuneration	not required ("It shall be allowed")

Provision	s 33(1)(a)
Scope of private/personal use	act/use
Type(s) of source work(s)	a performance, sound recording, audiovisual recording, broadcast <sup>3693</sup>
Entity exercising private/personal use	
Purpose of private/personal use	personal or private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

### 3. Quotations

### 4. Research/Educational Reproduction

Provision	s 14(6)
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<sup>3692</sup> S 33(1)(d) (applying a restriction in respect of a copyright under s 14 to related rights viz. ss 26 (performance), 31 (sound recording, audiovisual recording), 32 (broadcasts)).

<sup>3693</sup> Ss 26 (performance), 31 (sound recording, audiovisual recording), 32 (broadcasts).

Scope of research/educational reproduction	reproduce
Type(s) of source work(s)	short works, articles or short part of a published work
Entity exercising reproduction	educational institutions
Purpose of educational reproduction	illustrating in the teaching process
Condition of reproduction	non-commercial purpose of illustrating in the teaching process
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be authorized")

Provision	s 14(7)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	scientific articles, short scientific works or short parts thereof
Entity exercising reproduction	private commercial research institutions
Purpose of educational reproduction	internal purposes to satisfy the requirements of persons studying or carrying out research work
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be authorized")

Provision	s 33(1)(c)
Scope of research/educational reproduction	use
Type(s) of source work(s)	a performance, sound recording, audiovisual recording, broadcast <sup>3694</sup>
Entity exercising reproduction	
Purpose of educational reproduction	solely for teaching or scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 14(3)
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<sup>3694</sup> Ss 26 (performance), 31 (sound recording, audiovisual recording), 32 (broadcasts).

Scope of anthologies/compilations limitation/exception	make/reproduce, in connection with publication of school textbooks or books prepared for educational purposes or books of history, literature or art
Type(s) of source work(s)	- short quotations from works already published - any published drawing, photograph, design, inscription or map - (a performance, sound recording, audiovisual recording, broadcast) <sup>3695</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	drawing, photograph, design, inscription or map: reproduction is restricted to what is necessary for the purpose of illustrating the written text
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title, author <sup>3696</sup>
Subject to Remuneration	not required ("it shall be allowed")

## 6. School Performances

## 7. Educational Broadcasts/Communications/Recordings

Provision	s 14(6)
Scope of broadcast/communication/recording	incorporation in school broadcasts or sound recordings
Type(s) of source work(s)	short works, articles or short part of a published work, (performances, sound recordings, audiovisual recordings, broadcasts) <sup>3697</sup>
Entity exercising broadcast/communication/recording	educational institutions
Purpose of broadcast/communication/recording	illustrating in the teaching process
Condition of broadcast/communication/recording	non-commercial purpose of illustrating/teaching
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be authorized")

<sup>3695</sup> S 33(1)(d) (applying a restriction in respect of a copyright under s 14 to related rights viz. ss 26 (performance), 31 (sound recording, audiovisual recording), 32 (broadcasts)).

<sup>3696</sup> S 14(3)(c).

<sup>3697</sup> S 33(1)(d) (applying a restriction in respect of a copyright under s 14 to related rights viz. ss 26 (performance), 31 (sound recording, audiovisual recording), 32 (broadcasts)).

Provision	s 33(1)(c)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	a performance, sound recording, audiovisual recording, broadcast <sup>3698</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	solely for teaching or scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required (“[neighbouring rights] shall not apply”)

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

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<sup>3698</sup> Ss 26 (performance), 31 (sound recording, audiovisual recording), 32 (broadcasts).

## Suriname

### 1. Treaties & Legislation

Treaties:

Berne Convention: February 23, 1977 (Paris Act (1971): February 23, 1977)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law of 22 March 1913 laying down new rules on Copyright (G.B. 1913 No. 15), as it stands after the amendments thereto in G.B. 1915 No. 78, G.B. 1946 No. 2, G.B. 1946 No. 77

[translated version did not include amendments via G.B. 1959 No. 76, S.B. 1980 No. 116, S.B. 23, 1981]

### 2. Private/Personal Use

Provision	Art. 17
Scope of private/personal use	copying
Type(s) of source work(s)	a work of literature, science or art
Entity exercising private/personal use	
Purpose of private/personal use	used exclusively for a person's own exercise, study or use
Condition of private/personal use	if work is drawing, painting, construction, sculpture, lithograph, engraving and other plate work: size or the working method according to which copy has been manufactured shows a clear difference with the original source work
Frequency/copies and limits	limited to several copies
Preclusions (not part of private/personal use)	reconstruction of buildings
Subject to Attribution	
Subject to Remuneration	not required ("infringement ... shall not include")

### 3. Quotations

Provision	Art. 16(b)
Scope of quotation	citations, in original language or translated, of (a) inclusion of reproductions, in the context of a review or a polemic or scientific treatise of (b)
Type(s) of source work(s)	(a): parts of previously published writings, musical works (b): previously undisclosed works of visual art
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	size and amount of cited works are within the boundaries of the rules of what are socially acceptable

	moral rights of author to be observed <sup>3699</sup>
Preclusions (not part of quotation)	
Subject to Attribution	author (if indicated on source)
Subject to Remuneration	not required ("infringement ... shall not include")

4. Research/Educational Reproduction5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 16(a)
Scope of anthologies/compilations limitation/exception	quotation, in the original language or in translated language, in anthologies or other works
Type(s) of source work(s)	from the same author, not more than a few short portions of his works, or of several short statements or poems
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	intended for educational or scientific purposes
Condition of anthologies/compilations limitation/exception	moral rights of author to be observed <sup>3700</sup>
Frequency/copies and limits	if source work is drawing, painting, construction, sculpture, lithograph, engraving and other plate work (Art. 10(6)): complete work may be copied in the same circumstances and under the same conditions, provided that such reproduction shows a significant difference with the original work, by virtue of its size, working method and method of fabrication; and when two or more of such works have been jointly published, the reproduction shall only be allowed for one of them <sup>3701</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if feasible)
Subject to Remuneration	appropriate compensation to author or assigns <sup>3702</sup>

<sup>3699</sup> Art. 25.<sup>3700</sup> Art. 25.<sup>3701</sup> Art. 16 2<sup>nd</sup> para.<sup>3702</sup> Art. 16 proviso (providing that the President is allowed by state resolution to decide what is understood by "short portions of his works, or of several short statements or poems" as well as the rules for appropriate compensation).

6. School Performances
7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Swaziland

### 1. Treaties & Legislation

Treaties:

Berne Convention: December 14, 1998 (Paris Act (1971): December 14, 1998)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act, 1912 (based on the U.K. Copyright Act, 1911 (1 & 2 Geo. 5, Ch. 46))

### 2. Private/Personal Use

Provision	s 4(1)(a)
Scope of private/personal use	fair dealing
Type(s) of source work(s)	any work
Entity exercising private/personal use	
Purpose of private/personal use	private study, research
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

### 3. Quotations

Provision	s 4(1)(a)
Scope of quotation	fair dealing
Type(s) of source work(s)	any work
Entity exercising quotation	
Purpose of quotation	criticism, review
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

### 4. Research/Educational Reproduction

### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 4(1)(d)
Scope of anthologies/compilations limitation/exception	publication in a collection
Type(s) of source work(s)	short passages from published literary works not themselves published for the use of schools in which copyright subsists



Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	bona fide intended for the use of schools
Condition of anthologies/compilations limitation/exception	collection is so described in its title and in any publisher's advertisement  collection is mainly composed of non-copyright matter
Frequency/copies and limits	no more than 2 of such passages from works by same author are published by same publisher within 5 year period
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source
Subject to Remuneration	not required ("shall not constitute an infringement of copyright")

6. School Performances
7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Sweden

### 1. Treaties & Legislation

Treaties:

Berne Convention: August 1, 1904 (Paris Act (1971): September 20, 1973)

WIPO Copyright Treaty: March 14, 2010

WIPO Performances and Phonograms Treaty: March 14, 2010

Legislation:

Act on Copyright in Literary and Artistic Works (1960:729), as amended up to April 1, 2011

### 2. Private/Personal Use

Provision	Art. 12
Scope of private/personal use	make copies
Type(s) of source work(s)	a work that has been lawfully <sup>3703</sup> made public, (a performance, <sup>3704</sup> sound and image recording, <sup>3705</sup> broadcast, <sup>3706</sup> catalogue, <sup>3707</sup> photograph <sup>3708</sup> )
Entity exercising private/personal use	anybody
Purpose of private/personal use	for private purposes
Condition of private/personal use	literary works in written form: making of copies concern only limited parts of works, or such works of limited scope
Frequency/copies and limits	one or a few copies  copies must not be used for purposes other than private use  no right to engage, for private purposes, another person to make copies of musical works, cinematograph works, utilitarian articles or sculptures, another person's work of fine art by means of artistic reproduction
Preclusions (not part of private/personal use)	works of architecture, digital compilations, computer programs
Subject to Attribution	
Subject to Remuneration	levy as remuneration <sup>3709</sup> payable on digital/analogue recording media <sup>3710</sup> (on which sounds or moving images may be recorded and which are especially suitable for the making of

<sup>3703</sup> Art. 12 proviso ("This Article does not confer a right to make copies of a work when the copy that constitutes the real master copy has been prepared or has been made available to the public in violation of Article 2.")

<sup>3704</sup> Art. 45.

<sup>3705</sup> Art. 46.

<sup>3706</sup> Art. 48.

<sup>3707</sup> Art. 49.

<sup>3708</sup> Art. 49a.

<sup>3709</sup> Art. 26 k. The remuneration amounts are set out in Art. 26 l.

<sup>3710</sup> Art. 26 l.

	copies of works for private purposes), <sup>3711</sup> payable by importer, manufacturer, <sup>3712</sup> to account of CMOs <sup>3713</sup> to be distributed among approved authors, <sup>3714</sup> performers, <sup>3715</sup> producers of sound and image recordings, <sup>3716</sup> photographers <sup>3717</sup>
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### 3. Quotations

Provision	Art. 22
Scope of quotation	quote
Type(s) of source work(s)	works which have been made available to the public, (a performance, <sup>3718</sup> sound and image recording, <sup>3719</sup> broadcast, <sup>3720</sup> catalogue <sup>3721</sup> )
Entity exercising quotation	anyone
Purpose of quotation	
Condition of quotation	quotation in accordance with proper usage  quotation to the extent necessary for the purpose
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("Anyone may")

### 4. Research/Educational Reproduction

Provision	Art. 42 c
Scope of research/educational reproduction	copies
Type(s) of source work(s)	works which have been made public, (a performance, <sup>3722</sup> sound and image recording, <sup>3723</sup> catalogue, <sup>3724</sup> photograph <sup>3725</sup> )
Entity exercising reproduction	an entity who carries out educational activities in organised forms <sup>3726</sup>
Purpose of educational reproduction	for educational purposes

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<sup>3711</sup> Art. 26 k.

<sup>3712</sup> Art. 26 k.

<sup>3713</sup> Art. 26 m.

<sup>3714</sup> Art. 26 k.

<sup>3715</sup> Art. 45.

<sup>3716</sup> Art. 46.

<sup>3717</sup> Art. 49 a.

<sup>3718</sup> Art. 45.

<sup>3719</sup> Art. 46.

<sup>3720</sup> Art. 48.

<sup>3721</sup> Art. 49.

<sup>3722</sup> Art. 45.

<sup>3723</sup> Art. 46.

<sup>3724</sup> Art. 49.

<sup>3725</sup> Art. 49a.

<sup>3726</sup> Art. 42 a.

Condition of reproduction	copies may be used only in such educational activities that are covered by extended collective licence  author has not filed a prohibition against the reproduction with any of the contracting parties (to the extended collective licence)
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	through extended collective license, <sup>3727</sup> remuneration payable to account of CMOs to be distributed among authors (including authors not represented by the CMO) <sup>3728</sup>

Provision	School Reproduction Agreement for Public Schools 2014
Scope of research/educational reproduction	copies <sup>3729</sup> by both analogue (photocopy and scan) and digital (print out, download from the Internet, communicate from one digital storage medium to another) means <sup>3730</sup>
Type(s) of source work(s)	Swedish and non-Swedish works that have been made public <sup>3731</sup> , excluding works stored in digital form subject to existing agreements that regulate their reproduction and making available, single-use material, works subject to a prohibition filed by a rightsholder, audio or audio-visual works, including music, films, radio/TV programmes (but not single frames from videograms and films), computer programs, choral materials and single parts that form part of ensemble and orchestral material and available for hire or purchase, musical work with or without lyrics for use in a public performance <sup>3732</sup>  published teaching materials: allowed only to supplement publisher-produced educational materials that teachers and pupils normally use during teaching, not for replacement of or reduction in new acquisition of publisher-

<sup>3727</sup> Art. 42 a (providing that an agreement concluded regarding such exploitation of works with an organisation representing a substantial number of Swedish authors in the field concerned, confers on the user the right to exploit works of the kind referred to in the agreement despite the fact that authors of those works are not represented by the organisation).

<sup>3728</sup> Art. 42 a.

<sup>3729</sup> Cl. 4, School Reproduction Agreement for Public Schools 2014.

<sup>3730</sup> Cl. 5, School Reproduction Agreement for Public Schools 2014.

<sup>3731</sup> Cl. 6, School Reproduction Agreement for Public Schools 2014 (regardless of whether the rightsholder is or is not represented by the CMO that has entered into this Agreement).

<sup>3732</sup> Cl 11, School Reproduction Agreement for Public Schools 2014.

	produced educational materials that teachers and pupils normally use during teaching <sup>3733</sup>
Entity exercising reproduction	teachers and pupils <sup>3734</sup> of public schools <sup>3735</sup> (not higher education institutions) (teacher may instruct someone else to make copies) <sup>3736</sup>
Purpose of educational reproduction	for educational purposes <sup>3737</sup>
Condition of reproduction	without prejudice to the right to make copies and make available the copies pursuant to Arts. 12, 42c, 42h [sic], right to make copies for private use under Art. 12.1 shall not be claimed by teacher under this Agreement
Frequency/copies and limits	<p>copies made may be stored digitally and distributed as physical copies and communicated by digital means e.g. via email, school's network to which only school's staff, pupils and guardians have access, and projected, displayed on screen or presented during teaching, including slide presentations printed out and distributed or communicated digitally between teachers and pupils<sup>3738</sup></p> <p>original is analogue (e.g. book, newspaper or magazine):</p> <ul style="list-style-type: none"> <li>- teacher may reproduce or scan no more than 15% of pages but no more than 15 pages, in same calendar half-year and on behalf of same pupils, unless a specific section, e.g. a chapter, needs to be reproduced and it comprises more than 15% or 15 pages, whereupon the whole section may be reproduced</li> <li>- pupil may make copies for his own learning in a way that accords with paragraph 1 [sic] above</li> <li>- teacher and pupil may only make as many copies as are needed to provide one for each pupil and a few for the teacher<sup>3739</sup></li> </ul> <p>original is digital (e.g. work on the Internet):</p> <ul style="list-style-type: none"> <li>- teacher may reproduce a volume corresponding to 15 A4 pages by downloading or printing, in same calendar half-year and on behalf of same pupils</li> </ul>

<sup>3733</sup> CI 10, School Reproduction Agreement for Public Schools 2014.

<sup>3734</sup> CI. 4, School Reproduction Agreement for Public Schools 2014.

<sup>3735</sup> CI. 3, School Reproduction Agreement for Public Schools 2014 (applyin to all sectors of education for which the municipality, county council or region is, or during the period of the agreement becomes, the principal organizer, and which is, or is placed under, the supervision of the Swedish Schools Inspectorate, the Swe-dish National Council of Adult Education or the Swedish National Agency for Higher Vo-cational Education).

<sup>3736</sup> CI. 4, School Reproduction Agreement for Public Schools 2014.

<sup>3737</sup> CI. 4, School Reproduction Agreement for Public Schools 2014.

<sup>3738</sup> CI 9, School Reproduction Agreement for Public Schools 2014.

<sup>3739</sup> CI 7.1, School Reproduction Agreement for Public Schools 2014.

	- pupil may make copies for his own learning in a way that accords with paragraph 1 [sic] above <sup>3740</sup>  teachers may reproduce, for own use, one copy of a work in paper copy, in its entirety <sup>3741</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author/photographer <sup>3742</sup>
Subject to Remuneration	remuneration to authors and publishers <sup>3743</sup>

Provision	Agreement for Higher Education 2014
Scope of research/educational reproduction	copies <sup>3744</sup> by both analogue (photocopy and scan) and digital (print out, download from the Internet, communicate from one digital storage medium to another) means <sup>3745</sup>
Type(s) of source work(s)	Swedish and non-Swedish works that have been made public <sup>3746</sup> , excluding publisher-produced compulsory course literature (except for projection and made available for examination), works stored in digital form subject to existing agreements that regulate their reproduction and making available, works subject to a prohibition filed by a rightsholder, audio or audio-visual works, including music, films, radio/TV programmes (but not single frames from videograms and films), computer programs, choral materials and single parts that form part of ensemble and orchestral material and available for hire or purchase, musical work with or without lyrics for use in a public performance <sup>3747</sup>
Entity exercising reproduction	teachers and pupils <sup>3748</sup> of higher educational institutions <sup>3749</sup> (teacher may instruct someone else to make copies) <sup>3750</sup>
Purpose of educational reproduction	for teaching and learning/educational purposes <sup>3751</sup>
Condition of reproduction	without prejudice to the right to make copies and make available the copies pursuant to Arts. 12,

<sup>3740</sup> CI 7.2, School Reproduction Agreement for Public Schools 2014.

<sup>3741</sup> CI 8, School Reproduction Agreement for Public Schools 2014.

<sup>3742</sup> CI 12, School Reproduction Agreement for Public Schools 2014.

<sup>3743</sup> CI 1, School Reproduction Agreement for Public Schools 2014.

<sup>3744</sup> CI. 4, Agreement for Higher Education 2014.

<sup>3745</sup> CI. 5, Agreement for Higher Education 2014.

<sup>3746</sup> CI. 6, Agreement for Higher Education 2014 (regardless of whether the rightsholder is or is not represented by the CMO that has entered into this Agreement).

<sup>3747</sup> CI 10, Agreement for Higher Education 2014.

<sup>3748</sup> CI. 1, Agreement for Higher Education 2014.

<sup>3749</sup> CI. 1, Agreement for Higher Education 2014.

<sup>3750</sup> CI. 4, Agreement for Higher Education.

<sup>3751</sup> CI. 1, 4, Agreement for Higher Education 2014.

	42c, 42h [sic], right to make copies for private use under Art. 12.1 shall not be claimed by teacher under this Agreement <sup>3752</sup>
Frequency/copies and limits	<p>copies made may be stored digitally and distributed as physical copies and communicated by digital means e.g. via email, school's network to which only school's staff, pupils and guardians have access, and projected, displayed on screen or presented during teaching, including slide presentations printed out and distributed or communicated digitally between teachers and pupils<sup>3753</sup></p> <p>original is analogue (e.g. book, newspaper or magazine):</p> <ul style="list-style-type: none"> <li>- teacher may reproduce or scan no more than 15% of pages but no more than 15 pages, in same calendar half-year and on behalf of same pupils, unless a specific section, e.g. a chapter, needs to be reproduced and it comprises more than 15% or 15 pages, whereupon the whole section may be reproduced</li> <li>- pupil may make copies for his own learning in a way that accords with [teacher's limits set out in paragraph 1 [sic] above</li> <li>- teacher and pupil may only make as many copies as are needed to provide one for each pupil and a few for the teacher<sup>3754</sup></li> </ul> <p>original is digital (e.g. work on the Internet):</p> <ul style="list-style-type: none"> <li>- teacher may reproduce a volume corresponding to 15 A4 pages by downloading or printing, in same calendar half-year and on behalf of same pupils</li> <li>- pupil may make copies for his own learning in a way that accords with paragraph 1 [sic] above<sup>3755</sup></li> </ul> <p>teachers may reproduce, for own use, one copy of a work in paper copy, in its entirety<sup>3756</sup></p>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author/photographer <sup>3757</sup>
Subject to Remuneration	remuneration to authors and publishers <sup>3758</sup>

<sup>3752</sup> Cl. 1, Agreement for Higher Education 2014.

<sup>3753</sup> Cl 9, Agreement for Higher Education 2014.

<sup>3754</sup> Cl 7.1, Agreement for Higher Education 2014.

<sup>3755</sup> Cl 7.2, Agreement for Higher Education 2014.

<sup>3756</sup> Cl 8, Agreement for Higher Education 2014.

<sup>3757</sup> Cl 11, Agreement for Higher Education 2014.

<sup>3758</sup> Cl 1, Agreement for Higher Education 2014.

5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 18
Scope of anthologies/compilations limitation/exception	preparing a composite work
Type(s) of source work(s)	minor portions of literary or musical works by a comparatively large number of authors and such works of a limited scope, including works of fine art in connection with the text, (a catalogue, <sup>3759</sup> photograph <sup>3760</sup> )
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for use in educational activities
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	lapse of 5 years from first publication of works
Preclusions (not part of anthologies/compilations limitation/exception)	works that have been created for use in educational activities  no right to prepare composite works for commercial purposes
Subject to Attribution	
Subject to Remuneration	right to remuneration for authors

6. School Performances

Provision	Art. 21(2)
Scope of school performance	publicly perform
Type(s) of source work(s)	works, with the exception of cinematographic works and works made for the stage, that have been made public, (a performance, <sup>3761</sup> sound and image recording, <sup>3762</sup> broadcast, <sup>3763</sup> catalogue <sup>3764</sup> )
Entity exercising school performance	
Purpose of school performance	in the course of educational activities
Condition of school performance	
Preclusions (not part of school performance)	no right to publicly perform , for commercial purposes, compilations in the course of educational activities
Subject to Attribution	
Subject to Remuneration	not required ("Anyone is entitled")

Provision	School Reproduction Agreement for Public Schools 2014
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<sup>3759</sup> Art. 49.<sup>3760</sup> Art. 49a.<sup>3761</sup> Art. 45.<sup>3762</sup> Art. 46.<sup>3763</sup> Art. 48.<sup>3764</sup> Art. 49.



Scope of school performance	projection, display on screen or otherwise presented, based on copies made pursuant to Agreement
Type(s) of source work(s)	Swedish and non-Swedish works that have been made public <sup>3765</sup> , excluding works stored in digital form subject to existing agreements that regulate their reproduction and making available, single-use material, works subject to a prohibition filed by a rightsholder, audio or audio-visual works, including music, films, radio/TV programmes (but not single frames from videograms and films), computer programs, choral materials and single parts that form part of ensemble and orchestral material and available for hire or purchase, musical work with or without lyrics for use in a public performance <sup>3766</sup>  published teaching materials: allowed only to supplement publisher-produced educational materials that teachers and pupils normally use during teaching, not for replacement of or reduction in new acquisition of publisher-produced educational materials that teachers and pupils normally use during teaching <sup>3767</sup>
Entity exercising school performance	teachers and pupils <sup>3768</sup> of public schools <sup>3769</sup> (not higher education institutions)
Purpose of school performance	during teaching <sup>3770</sup>
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	source, author/photographer <sup>3771</sup>
Subject to Remuneration	remuneration to authors and publishers <sup>3772</sup>

Provision	School Reproduction Agreement for Public Schools 2014
Scope of school performance	performance, based on copies made pursuant to Agreement
Type(s) of source work(s)	Swedish and non-Swedish musical work with or without lyrics for use in a public performance <sup>3773</sup>

<sup>3765</sup> Cl. 6, School Reproduction Agreement for Public Schools 2014 (regardless of whether the rightsholder is or is not represented by the CMO that has entered into this Agreement).

<sup>3766</sup> Cl 11, School Reproduction Agreement for Public Schools 2014.

<sup>3767</sup> Cl 10, School Reproduction Agreement for Public Schools 2014.

<sup>3768</sup> Cl. 4, School Reproduction Agreement for Public Schools 2014.

<sup>3769</sup> Cl. 3, School Reproduction Agreement for Public Schools 2014 (applyin to all sectors of education for which the municipality, county council or region is, or during the period of the agreement becomes, the principal organizer, and which is, or is placed under, the supervision of the Swedish Schools Inspectorate, the Swe-dish National Council of Adult Education or the Swedish National Agency for Higher Vo-cational Education).

<sup>3770</sup> Cl 9.3, School Reproduction Agreement for Public Schools 2014.

<sup>3771</sup> Cl 12, School Reproduction Agreement for Public Schools 2014.

<sup>3772</sup> Cl 1, School Reproduction Agreement for Public Schools 2014.

<sup>3773</sup> Cl 11, School Reproduction Agreement for Public Schools 2014.

Entity exercising school performance	teachers and pupils <sup>3774</sup> of public schools <sup>3775</sup> (not higher education institutions)
Purpose of school performance	during teaching <sup>3776</sup>
Condition of school performance	an audience mainly consisting of school's pupils and relatives of the pupils <sup>3777</sup>
Preclusions (not part of school performance)	
Subject to Attribution	source, author/photographer <sup>3778</sup>
Subject to Remuneration	remuneration to authors and publishers <sup>3779</sup>

Provision	Agreement for Higher Education 2014
Scope of school performance	projection, display on screen or otherwise presented, based on copies made pursuant to Agreement
Type(s) of source work(s)	Swedish and non-Swedish works that have been made public <sup>3780</sup> , excluding publisher-produced compulsory course literature (except for projection and made available for examination), works stored in digital form subject to existing agreements that regulate their reproduction and making available, works subject to a prohibition filed by a rightsholder, audio or audio-visual works, including music, films, radio/TV programmes (but not single frames from videograms and films), computer programs, choral materials and single parts that form part of ensemble and orchestral material and available for hire or purchase, musical work with or without lyrics for use in a public performance <sup>3781</sup>
Entity exercising school performance	teachers and pupils <sup>3782</sup> of higher education institutions <sup>3783</sup> (teacher may instruct someone else to make copies) <sup>3784</sup>
Purpose of school performance	for teaching and learning/educational purposes <sup>3785</sup>
Condition of school performance	

<sup>3774</sup> Cl. 4, School Reproduction Agreement for Public Schools 2014.

<sup>3775</sup> Cl. 3, School Reproduction Agreement for Public Schools 2014 (applyin to all sectors of education for which the municipality, county council or region is, or during the period of the agreement becomes, the principal organizer, and which is, or is placed under, the supervision of the Swedish Schools Inspectorate, the Swe-dish National Council of Adult Education or the Swedish National Agency for Higher Vo-cational Education).

<sup>3776</sup> Cl 9.3, School Reproduction Agreement for Public Schools 2014.

<sup>3777</sup> Cl 11(g), School Reproduction Agreement for Public Schools 2014.

<sup>3778</sup> Cl 12, School Reproduction Agreement for Public Schools 2014.

<sup>3779</sup> Cl 1, School Reproduction Agreement for Public Schools 2014.

<sup>3780</sup> Cl. 6, Agreement for Higher Education 2014 (regardless of whether the rightsholder is or is not represented by the CMO that has entered into this Agreement).

<sup>3781</sup> Cl 10, Agreement for Higher Education 2014.

<sup>3782</sup> Cl. 1, Agreement for Higher Education 2014.

<sup>3783</sup> Cl. 1, Agreement for Higher Education 2014.

<sup>3784</sup> Cl. 4, Agreement for Higher Education.

<sup>3785</sup> Cl. 1, 4, Agreement for Higher Education 2014.

Preclusions (not part of school performance)	
Subject to Attribution	source, author/photographer <sup>3786</sup>
Subject to Remuneration	remuneration to authors and publishers <sup>3787</sup>

Provision	Agreement for Higher Education 2014
Scope of school performance	performance, based on copies made pursuant to Agreement
Type(s) of source work(s)	Swedish and non-Swedish musical work with or without lyrics for use in a public performance <sup>3788</sup>
Entity exercising school performance	teachers and pupils <sup>3789</sup> of higher education institutions <sup>3790</sup> (teacher may instruct someone else to make copies) <sup>3791</sup>
Purpose of school performance	for teaching and learning/educational purposes <sup>3792</sup>
Condition of school performance	performance to take place within the regular educational programme <sup>3793</sup>
Preclusions (not part of school performance)	
Subject to Attribution	source, author/photographer <sup>3794</sup>
Subject to Remuneration	remuneration to authors and publishers <sup>3795</sup>

## 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 14
Scope of broadcast/communication/recording	recordings
Type(s) of source work(s)	teachers' and pupils' own performances of works, (catalogues <sup>3796</sup> )
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for educational purposes
Condition of broadcast/communication/recording	recordings may not be used for other purposes
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	

<sup>3786</sup> CI 11, Agreement for Higher Education 2014.

<sup>3787</sup> CI 1, Agreement for Higher Education 2014.

<sup>3788</sup> CI 10, Agreement for Higher Education 2014.

<sup>3789</sup> Cl. 1, Agreement for Higher Education 2014.

<sup>3790</sup> Cl. 1, Agreement for Higher Education 2014.

<sup>3791</sup> Cl. 4, Agreement for Higher Education.

<sup>3792</sup> Cl. 1, 4, Agreement for Higher Education 2014.

<sup>3793</sup> CI 10(g), Agreement for Higher Education 2014.

<sup>3794</sup> CI 11, Agreement for Higher Education 2014.

<sup>3795</sup> CI 1, Agreement for Higher Education 2014.

<sup>3796</sup> Art. 49.

Subject to Attribution	if recordings are used publicly: source (as required by proper usage) <sup>3797</sup>
Subject to Remuneration	not required ("Teachers and pupils may")

Provision	School Reproduction Agreement for Public Schools 2014
Scope of broadcast/communication/recording	making available by e.g. communication by digital means, by e-mail, or via the school's network, copies made under Agreement <sup>3798</sup>
Type(s) of source work(s)	Swedish and non-Swedish works that have been made public <sup>3799</sup> , excluding works stored in digital form subject to existing agreements that regulate their reproduction and making available, single-use material, works subject to a prohibition filed by a rightsholder, audio or audio-visual works, including music, films, radio/TV programmes (but not single frames from videograms and films), computer programs, choral materials and single parts that form part of ensemble and orchestral material and available for hire or purchase, musical work with or without lyrics for use in a public performance <sup>3800</sup>  published teaching materials: allowed only to supplement publisher-produced educational materials that teachers and pupils normally use during teaching, not for replacement of or reduction in new acquisition of publisher-produced educational materials that teachers and pupils normally use during teaching <sup>3801</sup>
Entity exercising broadcast/communication/recording	teachers and pupils <sup>3802</sup> of public schools <sup>3803</sup> (not higher education institutions)
Purpose of broadcast/communication/recording	for educational purposes <sup>3804</sup>
Condition of broadcast/communication/recording	without prejudice to the right to make copies and make available the copies pursuant to Arts. 12, 42c, 42h [sic], right to make copies for private use under Art. 12.1 shall not be claimed by teacher under this Agreement

<sup>3797</sup> Art. 11 para. 2.

<sup>3798</sup> Cl. 4, 9, School Reproduction Agreement for Public Schools 2014.

<sup>3799</sup> Cl. 6, School Reproduction Agreement for Public Schools 2014 (regardless of whether the rightsholder is or is not represented by the CMO that has entered into this Agreement).

<sup>3800</sup> Cl 11, School Reproduction Agreement for Public Schools 2014.

<sup>3801</sup> Cl 10, School Reproduction Agreement for Public Schools 2014.

<sup>3802</sup> Cl. 4, School Reproduction Agreement for Public Schools 2014.

<sup>3803</sup> Cl. 3, School Reproduction Agreement for Public Schools 2014 (applyin to all sectors of education for which the municipality, county council or region is, or during the period of the agreement becomes, the principal organizer, and which is, or is placed under, the supervision of the Swedish Schools Inspectorate, the Swe-dish National Council of Adult Education or the Swedish National Agency for Higher Vo-cational Education).

<sup>3804</sup> Cl. 4, School Reproduction Agreement for Public Schools 2014.

Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author/photographer <sup>3805</sup>
Subject to Remuneration	remuneration to authors and publishers <sup>3806</sup>

Provision	Agreement for Higher Education 2014
Scope of broadcast/communication/recording	making available by e.g. communication by digital means, by e-mail, or via the higher education institution's network, copies made under Agreement <sup>3807</sup>
Type(s) of source work(s)	Swedish and non-Swedish works that have been made public <sup>3808</sup> , excluding publisher-produced compulsory course literature (except for projection and made available for examination), works stored in digital form subject to existing agreements that regulate their reproduction and making available, works subject to a prohibition filed by a rightsholder, audio or audio-visual works, including music, films, radio/TV programmes (but not single frames from videograms and films), computer programs, choral materials and single parts that form part of ensemble and orchestral material and available for hire or purchase, musical work with or without lyrics for use in a public performance <sup>3809</sup>
Entity exercising broadcast/communication/recording	teachers and pupils <sup>3810</sup> of higher education institutions <sup>3811</sup> (teacher may instruct someone else to make copies) <sup>3812</sup>
Purpose of broadcast/communication/recording	for teaching and learning/educational purposes <sup>3813</sup>
Condition of broadcast/communication/recording	without prejudice to the right to make copies and make available the copies pursuant to Arts. 12, 42c, 42h [sic], right to make copies for private use under Art. 12.1 shall not be claimed by teacher under this Agreement <sup>3814</sup>
Frequency/limits of broadcast/communication/recording	

<sup>3805</sup> Cl 12, School Reproduction Agreement for Public Schools 2014.

<sup>3806</sup> Cl 1, School Reproduction Agreement for Public Schools 2014.

<sup>3807</sup> Cl. 4, 9, Agreement for Higher Education 2014.

<sup>3808</sup> Cl. 6, Agreement for Higher Education 2014 (regardless of whether the rightsholder is or is not represented by the CMO that has entered into this Agreement).

<sup>3809</sup> Cl 10, Agreement for Higher Education 2014.

<sup>3810</sup> Cl. 1, Agreement for Higher Education 2014.

<sup>3811</sup> Cl. 1, Agreement for Higher Education 2014.

<sup>3812</sup> Cl. 4, Agreement for Higher Education.

<sup>3813</sup> Cl. 1, 4, Agreement for Higher Education 2014.

<sup>3814</sup> Cl. 1, Agreement for Higher Education 2014.

Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author/photographer <sup>3815</sup>
Subject to Remuneration	remuneration to authors and publishers <sup>3816</sup>

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 52 c
Scope of TPM/RMI restriction	protection of technological measures do not apply
Type(s) of source work(s)	
Beneficiary exercising restriction	
Purpose of restriction	research into cryptography
Condition of restriction	

Provision	Art. 52 d
Scope of TPM/RMI restriction	no probation against circumvention of any digital or analogue lock or a technological process or measure that prevents or limits the making of copies or making available to the public of a work, for beneficiary
Type(s) of source work(s)	
Beneficiary exercising restriction	“beneficiaries”: someone, who in a lawful way, has access to a copy of a work protected by copyright
Purpose of restriction	in order to be able to watch or listen to the work
Condition of restriction	

<sup>3815</sup> CI 11, Agreement for Higher Education 2014.

<sup>3816</sup> CI 1, Agreement for Higher Education 2014.

## Switzerland

### 1. Treaties & Legislation

Treaties:

Berne Convention: December 5, 1887 (Paris Act (1971): September 25, 1993)

WIPO Copyright Treaty: July 1, 2008

WIPO Performances and Phonograms Treaty: July 1, 2008

Legislation:

Federal Act of October 9, 1992, on Copyright and Related Rights (status as of January 1, 2017)

### 2. Private/Personal Use

Provision	Art. 19.1.a
Scope of private/personal use	“private use” <sup>3817</sup>
Type(s) of source work(s)	a published work, (a performance, phonogram, audiovisual fixation, broadcast) <sup>3818</sup>
Entity exercising private/personal use	persons entitled to make copies may also have them made by “third parties” <sup>3819</sup>
Purpose of private/personal use	“private use” as any personal use of a work or use within a circle of persons closely connected to each other, such as relatives or friends
Condition of private/personal use	
Frequency/copies and limits	no complete or substantial copying of a work obtainable commercially
Preclusions (not part of private/personal use)	reproduction of works of art, musical notation, fixation of recitations, performances or presentations of a work on blank media, computer programs <sup>3820</sup>
Subject to Attribution	
Subject to Remuneration	not required, <sup>3821</sup> unless reproduction made by third party, whereupon levy as remuneration is payable by “third party” <sup>3822</sup> and on blank media suitable for the fixation of works by manufacturer, importer, <sup>3823</sup> to account of CMOs <sup>3824</sup> to be distributed among authors, <sup>3825</sup> (performers, producers and broadcasters) <sup>3826</sup>

<sup>3817</sup> Art. 19.3bis (excluding from the “private use” exception, copies of works that are created “on demand” when accessing lawfully available works).

<sup>3818</sup> Art. 38 (applying exceptions and limitations to copyright protection mutatis mutandis to related rights).

<sup>3819</sup> Art. 19.2 (including libraries, other public institutions and businesses that make copying apparatus available to their users as third parties).

<sup>3820</sup> Art. 19.4.

<sup>3821</sup> Art. 20.1.

<sup>3822</sup> Art. 20.2.

<sup>3823</sup> Art. 20.3.

<sup>3824</sup> Art. 20.4.

<sup>3825</sup> Art. 20.2, 20.3.

<sup>3826</sup> Art. 38 (applying Art. 20 mutatis mutandis to the rights of performers, phonogram and audiovisual fixation producers and broadcasting organisations).

3. Quotations

Provision	Art. 25
Scope of quotation	quotations
Type(s) of source work(s)	published works, (performances, phonograms, audiovisual fixations, broadcasts) <sup>3827</sup>
Entity exercising quotation	
Purpose of quotation	if quotation serves as an explanation, a reference or an illustration
Condition of quotation	extent of quotation is justified by the purpose  quotation designated as such
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("may be quoted")

4. Research/Educational Reproduction

Provision	Art. 19.1.b
Scope of research/educational reproduction	"private use" <sup>3828</sup>
Type(s) of source work(s)	a published work, (a performance, phonogram, audiovisual fixation, broadcast) <sup>3829</sup>
Entity exercising reproduction	a teacher and his class, who may also have copies made by third parties <sup>3830</sup>
Purpose of educational reproduction	"private use" as any use for educational purposes
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	no complete or substantial copying of a work obtainable commercially  no reproduction works of art, musical notation, fixation of recitations, performances or presentations of a work on blank media, computer programs <sup>3831</sup>
Subject to Attribution	
Subject to Remuneration	levy as remuneration is payable by entity (teacher/his class) <sup>3832</sup> and "third party" <sup>3833</sup> and on blank media suitable for the fixation of works

<sup>3827</sup> Art. 38 (applying exceptions and limitations to copyright protection mutatis mutandis to related rights).

<sup>3828</sup> Art. 19.3bis (excluding from the "private use" exception, copies of works that are created "on demand" when accessing lawfully available works).

<sup>3829</sup> Art. 38 (applying exceptions and limitations to copyright protection mutatis mutandis to related rights).

<sup>3830</sup> Art. 19.2 (including libraries, other public institutions and businesses that make copying apparatus available to their users as third parties).

<sup>3831</sup> Art. 19.4.

<sup>3832</sup> Art. 20.2.

<sup>3833</sup> Art. 20.2.



	by manufacturer, importer, <sup>3834</sup> to the account of CMOs, <sup>3835</sup> to be distributed among authors, <sup>3836</sup> (performers, producers and broadcasters) <sup>3837</sup>
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5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances

Provision	Art. 19.1.b
Scope of school performance	"private use" <sup>3838</sup>
Type(s) of source work(s)	a published work, (a performance, phonogram, audiovisual fixation, broadcast) <sup>3839</sup>
Entity exercising school performance	a teacher and his class, who may also have copies made by third parties <sup>3840</sup>
Purpose of school performance	"private use" as any use for educational purposes
Condition of school performance	
Preclusions (not part of school performance)	[not relevant - preclusions in Art. 19.3 refer to copying or fixation]
Subject to Attribution	
Subject to Remuneration	not required ("may be used") <sup>3841</sup>

7. Educational Broadcasts/Communications/Recordings8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes


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<sup>3834</sup> Art. 20.3.

<sup>3835</sup> Art. 20.4.

<sup>3836</sup> Art. 20.2, 20.3.

<sup>3837</sup> Art. 38 (applying Art. 20 mutatis mutandis to the rights of performers, phonogram and audiovisual fixation producers and broadcasting organisations).

<sup>3838</sup> Art. 19.3bis (excluding from the "private use" exception, copies of works that are created "on demand" when accessing lawfully available works).

<sup>3839</sup> Art. 38 (applying exceptions and limitations to copyright protection mutatis mutandis to related rights).

<sup>3840</sup> Art. 19.2 (including libraries, other public institutions and businesses that make copying apparatus available to their users as third parties).

<sup>3841</sup> Remuneration provisions in Art. 20 refer to reproduction of works, not to performances.

## Syrian Arab Republic

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 11, 2004 (Paris Act (1971): June 11, 2004)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law on the Protection of Copyright and Related Rights (issued by Legislative Decree No. 62/2013)

### 2. Private/Personal Use

Provision	Art. 33
Scope of private/personal use	copy
Type(s) of source work(s)	a work which has already been lawfully published, (a performance, sound or visual recording, broadcast) <sup>3842</sup>
Entity exercising private/personal use	
Purpose of private/personal use	purely personal use
Condition of private/personal use	
Frequency/copies and limits	one single copy
Preclusions (not part of private/personal use)	architectural works embodied in buildings or other constructions; a written work in whole or of a substantive part thereof; a musical work, in the form of notation, in whole or a substantive part thereof; digital databases with interrelated structures, in whole or in part; computer programs and their components with interrelated programming, except under Article 40 of this Law
Subject to Attribution	
Subject to Remuneration	not required ("without payment of a compensation ")

### 3. Quotations

Provision	Art. 35.1
Scope of quotation	reproduction of a short excerpt for use in another work
Type(s) of source work(s)	a published work, (a performance, sound or visual recording, broadcast) <sup>3843</sup>
Entity exercising quotation	
Purpose of quotation	such reproduction is used to the extent necessary for achieving such objective

<sup>3842</sup> Art. 45 (applying exceptions to "the rights of performers, producers of sound or visual recordings and broadcasting stations, in a manner compatible with the nature of those rights").

<sup>3843</sup> Art. 45 (applying exceptions to "the rights of performers, producers of sound or visual recordings and broadcasting stations, in a manner compatible with the nature of those rights").

Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without payment of a compensation ")

#### 4. Research/Educational Reproduction

Provision	Art. 35.3
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	a lawfully published article, short excerpts of a work or a short work, (a performance, sound or visual recording, broadcast) <sup>3844</sup>
Entity exercising reproduction	educational institutions
Purpose of educational reproduction	teaching purposes
Condition of reproduction	not seek to make profit directly or indirectly
Frequency/copies and limits	act of reproduction is an isolated case occurring to the extent necessary for achieving such objectives
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without payment of a compensation ")

Provision	Art. 44.2
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	performances, audio or visual recordings, broadcasting material
Entity exercising reproduction	
Purpose of educational reproduction	scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("deemed lawful, even if they are undertaken without the author's consent")

Provision	Art. 44.3
Scope of research/educational reproduction	use
Type(s) of source work(s)	performances, audio or visual recordings, broadcasting material
Entity exercising reproduction	educational institutions
Purpose of educational reproduction	teaching purposes

<sup>3844</sup> Art. 45 (applying exceptions to "the rights of performers, producers of sound or visual recordings and broadcasting stations, in a manner compatible with the nature of those rights").

Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("deemed lawful, even if they are undertaken without the author's consent")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 35.1
Scope of anthologies/compilations limitation/exception	reproduction of a short excerpt for use in another work
Type(s) of source work(s)	a published work, (a performance, sound or visual recording, broadcast) <sup>3845</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	such reproduction is used to the extent necessary for achieving such objective
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without payment of a compensation ")

#### 6. School Performances

Provision	Art. 41.2
Scope of school performance	public performance
Type(s) of source work(s)	a work, (a performance, sound or visual recording, broadcast) <sup>3846</sup>
Entity exercising school performance	educational institutions, including distance learning institutions
Purpose of school performance	teaching activities
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of a compensation")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 35.2
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<sup>3845</sup> Art. 45 (applying exceptions to "the rights of performers, producers of sound or visual recordings and broadcasting stations, in a manner compatible with the nature of those rights").

<sup>3846</sup> Art. 45 (applying exceptions to "the rights of performers, producers of sound or visual recordings and broadcasting stations, in a manner compatible with the nature of those rights").

Scope of broadcast/communication/recording	use, in reporting, audio or visual recordings, and broadcast material
Type(s) of source work(s)	a published work, (a performance, sound or visual recording, broadcast) <sup>3847</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	clarification for educational purposes
Condition of broadcast/communication/recording	properly used
Frequency/limits of broadcast/communication/recording	to extent necessary for achieving such objectives
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without payment of a compensation ")

## 8. Compulsory Licences for Educational Reproductions and Translations

### Article 48

a) A Syrian national shall have the right to obtain a non-exclusive license which cannot be waived to a third party from the Minister or his delegate, to translate any foreign work published in Arabic and publish this translation if a year has elapsed since the first publication of this work and no translation has been published in relation to this work in Arabic in the Syrian Arab Republic by the right owner of the translation or with his consent, or upon the depletion of the translated editions.

b) A Syrian national shall have the right to obtain a non-exclusive license which cannot be waived to a third party from the Minister or his delegate, to reproduce and publish any of the published works mentioned in paragraph a) of this Article under the following conditions:

1- Elapse of one year from the first publication of any printed work related to natural or physical sciences, mathematics, information technology, technology, or business administration, or the lapse of seven years from the date of the first publication of any work of poetry, drama, music, art books and novels, or the lapse of five years from the date of the first publication of other types of printed works.

2- No copies of the work have been published in the Syrian Arab Republic to meet the needs of the public or for the purposes of school or university education by the right holder of the reproduction or with his consent, at a price commensurate to the price of similar works in the Syrian Arab Republic.

3- The published reproduction shall be sold according to the provisions of this paragraph for a price which is equivalent or less than the price stated in point 2 of this paragraph.

c) Translation licenses stated in paragraph a) of this Article shall be granted solely for the purposes of school or university education, or for research purposes, whereas the licenses for the reproductions stated in paragraph b) of this Article shall only be granted for use in school or university education.

d) When granting translation licenses or reproductions, the author of the original work which has been translated or reproduced shall deserve a fair compensation in line with the standards applicable to the author's financial rights commonly recognized in optional licensing agreements concluded between Syrian nationals and persons residing in the author's country of origin.

<sup>3847</sup> Art. 45 (applying exceptions to "the rights of performers, producers of sound or visual recordings and broadcasting stations, in a manner compatible with the nature of those rights").

e) The requirements and procedures relating to the grant of licenses stipulated in this Article shall be determined in accordance with a decision issued by the Minister.

Provision	Art. 48(a)
Nature of compulsory licence for translation for educational purposes	non-exclusive, non-transferable compulsory licence, for making and publishing a translation into Arabic
Scope of compulsory licence for digital copying and dissemination	digital reproduction <sup>3848</sup> digital publication <sup>3849</sup> digital dissemination <sup>3850</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	a foreign work
Licence applicant/entity	a Syrian national
Purpose of licence	purposes of school or university education, or for research purposes
Condition of licence	licence application may be made: 1 year from first publication  work has not been previously translated into Arabic in the Syrian Arab Republic by the rightowner of the translation or with his consent, or if translation has been so published, all previous editions in that language are out of print  additional requirements and procedures as determined by a decision issued by Minister
Compulsory licence fee(s)	beneficiary of compulsory licence to make fair compensation to author, in line with standards applicable to author's financial rights commonly recognized in optional licensing agreements concluded between Syrian nationals and persons residing in the author's country of origin
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Minister or his delegate
Provision	Art. 48(b)
Nature of compulsory licence for reproduction for educational purposes	non-exclusive, non-transferable compulsory licence, for reproducing and publishing a translation into Arabic
Scope of compulsory licence for digital copying and dissemination	digital reproduction <sup>3851</sup>

<sup>3848</sup> Art. 1 (defining "reproduction" to include the transmission of copies by "electronic ... means", which is in turn defined to mean the "electronic, electrical, magnetic, electromagnetic, optical or digital means, or any similar means used for the generation, gathering, preservation, or storage of data or information, or else for the access, processing, transmission, or exchange of such data or information").

<sup>3849</sup> Art. 1 (defining "publication" to refer to the making of copies "by any other means", and defining "reproduction" to mean "reproduction of a copy" in any form whatsoever, including their transmission "by electronic ... means, or by any other means").

<sup>3850</sup> Art. 1 (defining "publication" to encompass the making of copies of the work available to the public "by any electronic means").

<sup>3851</sup> Art. 1 (defining "reproduction" to include the transmission of copies by "electronic ... means", which is in turn defined to mean the "electronic, electrical, magnetic, electromagnetic, optical or digital means, or any similar means used for

	digital publication <sup>3852</sup> digital dissemination <sup>3853</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	a foreign work translated into Arabic pursuant to Art. 48(a)
Licence applicant/entity	a Syrian national
Purpose of licence	for use in school or university education
Condition of licence	licence application may be made: 1 years from first publication (for work of natural or physical sciences, mathematics, information technology, technology, or business administration) 7 years from first publication (for work of poetry, drama, music, art books and novels) 5 years from first publication (for other types of printed works)  no copies of the work have not been published in the Syrian Arab Republic to meet the needs of the public or for purposes of school or university education by the rightholder or with his consent, at a price commensurate with price of similar works in the Syrian Arab Republic
Compulsory licence fee(s)	beneficiary of compulsory licence to make fair compensation to author, in line with standards applicable to author's financial rights commonly recognized in optional licensing agreements concluded between Syrian nationals and persons residing in the author's country of origin
Price of publication	at a price equivalent or less than price of similar works in the Syrian Arab Republic
Distribution conditions	
Grantor of compulsory licence	a Minister or his delegate

#### 9. TPM/RMI Exceptions for Educational Purposes

the generation, gathering, preservation, or storage of data or information, or else for the access, processing, transmission, or exchange of such data or information").

<sup>3852</sup> Art. 1 (defining "publication" to refer to the making of copies "by any other means", and defining "reproduction" to mean "reproduction of a copy" in any form whatsoever, including their transmission "by electronic ... means, or by any other means").

<sup>3853</sup> Art. 1 (defining "publication" to encompass the making of copies of the work available to the public "by any electronic means").

## Tajikistan

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 9, 2000 (Paris Act (1971): March 9, 2000)

WIPO Copyright Treaty: April 5, 2009

WIPO Performances and Phonograms Treaty: August 24, 2011

Legislation:

Law of the Republic of Tajikistan on Copyright and Related Rights No. 726 of November 13, 1998 (as amended up to 2009)

### 2. Private/Personal Use

Provision	Art. 19
Scope of private/personal use	reproduce
Type(s) of source work(s)	a lawfully published work, (performance, broadcast, cablecast, recording, phonogram) <sup>3854</sup>
Entity exercising private/personal use	
Purpose of private/personal use	exclusively personal purposes
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture in the form of buildings and structures, reproduction of whole books and sheet music, whole or substantial part of databases, computer programs <sup>3855</sup>  provided this does not conflict with the normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

Provision	Art. 39
Scope of private/personal use	reproduction
Type(s) of source work(s)	an audiovisual work or phonogram
Entity exercising private/personal use	
Purpose of private/personal use	exclusively personal purposes
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	

<sup>3854</sup> Art. 41(4) (providing for the "other cases provided for in Art. 19 to 21 for the limitation of the economic rights of the authors of literary, scientific and artistic works" to apply to performances, broadcasts, cablecasts, recordings and phonograms); although there is a question as to whether this overlaps with the existing limitations in Art. 41 itself.

<sup>3855</sup> Art. 24 (### excepting use of the computer program and for backup/archival purposes).



Subject to Remuneration	remuneration to be paid by manufacturers and importers of equipment (sound recording equipment, videocassette recorders, etc.) and of recording material (tape and cassettes for sound or video recording, optical discs, compact discs, etc.) used for such reproduction <sup>3856</sup> to a CMO to be distributed to authors, performers and producers of phonograms <sup>3857</sup>
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Provision	Art. 41 proviso
Scope of private/personal use	reproduction and use
Type(s) of source work(s)	broadcast or cablecast program or a recording thereof <sup>3858</sup>
Entity exercising private/personal use	
Purpose of private/personal use	personal purposes
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	restrictions to apply without prejudice to the normal use of phonograms, performances, broadcasts or cable, and their records, and included in their literature works of science and art, and without prejudice to the legitimate interests of the performer, the organization of air or cable broadcasting and authors of the works <sup>3859</sup>
Subject to Attribution	
Subject to Remuneration	remuneration to be paid by manufacturers and importers of equipment (sound recording equipment, videocassette recorders, etc.) and of recording material (tape and cassettes for sound or video recording, optical discs, compact discs, etc.) used for such reproduction <sup>3860</sup> to a CMO to be distributed to authors, performers and producers of phonograms <sup>3861</sup>

### 3. Quotations

Provision	Art. 20(1)
Scope of quotation	quotation, in the original language or in translation
Type(s) of source work(s)	extracts from lawfully published works, including the reproduction of extracts from newspaper

<sup>3856</sup> Art. 39 (excepting recording equipment and material exported and for professional equipment and material not intended to be used for domestic reproduction).

<sup>3857</sup> Art. 39 (providing that where otherwise provided in the agreement, the remuneration shall be distributed as authors (40%), performers (30%) and phonogram producers (30%)).

<sup>3858</sup>

<sup>3859</sup> Art. 41 proviso.

<sup>3860</sup> Art. 39 (excepting recording equipment and material exported and for professional equipment and material not intended to be used for domestic reproduction).

<sup>3861</sup> Art. 39 (providing that where otherwise provided in the agreement, the remuneration shall be distributed as authors (40%), performers (30%) and phonogram producers (30%)).

	and magazine articles in press reviews, (performance, broadcast, cablecast, recording, phonogram) <sup>3862</sup>
Entity exercising quotation	
Purpose of quotation	research, polemic, critical or informational purposes
Condition of quotation	to the extent justified by the intended purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

Provision	Art. 41(3)
Scope of quotation	use and reproduce, for quotation
Type(s) of source work(s)	short extracts from performance, the phonogram or the broadcast or cablecast
Entity exercising quotation	
Purpose of quotation	informational purposes
Condition of quotation	
Preclusions (not part of quotation)	restrictions to apply without prejudice to the normal use of phonograms, performances, broadcasts or cable, and their records, and included in their literature works of science and art, and without prejudice to the legitimate interests of the performer, the organization of air or cable broadcasting and authors of the works <sup>3863</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

#### 4. Research/Educational Reproduction

Provision	Art. 20(7)(c)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	isolated articles or short works lawfully published in collections, newspapers or other periodical publications, or of short extracts from lawfully published written works (with or without illustrations), (performance, broadcast, cablecast, recording, phonogram) <sup>3864</sup>
Entity exercising reproduction	educational establishment
Purpose of educational reproduction	classroom use
Condition of reproduction	
Frequency/copies and limits	

<sup>3862</sup> Art. 41(4) (providing for the "other cases provided for in Art. 19 to 21 for the limitation of the economic rights of the authors of literary, scientific and artistic works" to apply to performances, broadcasts, cablecasts, recordings and phonograms); although there is a question as to whether this overlaps with the existing limitations in Art. 41 itself.

<sup>3863</sup> Art. 41 proviso.

<sup>3864</sup> Art. 41(4) (providing for the "other cases provided for in Art. 19 to 21 for the limitation of the economic rights of the authors of literary, scientific and artistic works" to apply to performances, broadcasts, cablecasts, recordings and phonograms); although there is a question as to whether this overlaps with the existing limitations in Art. 41 itself.

Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author
Subject to Remuneration	not required

Provision	Art. 41(2)
Scope of research/educational reproduction	use and reproduce
Type(s) of source work(s)	performance or the broadcast or cablecast or the recording thereof
Entity exercising reproduction	
Purpose of educational reproduction	sole purpose of teaching or scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	restrictions to apply without prejudice to the normal use of phonograms, performances, broadcasts or cable, and their records, and included in their literature works of science and art, and without prejudice to the legitimate interests of the performer, the organization of air or cable broadcasting and authors of the works <sup>3865</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 20(2)
Scope of anthologies/compilations limitation/exception	use, in publications, radio or television broadcasts or sound or visual recordings of educational character
Type(s) of source work(s)	lawfully published works and extracts from such works, (performance, broadcast, cablecast, recording, phonogram) <sup>3866</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for the purpose of illustration
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	to the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author

<sup>3865</sup> Art. 41 proviso.

<sup>3866</sup> Art. 41(4) (providing for the "other cases provided for in Art. 19 to 21 for the limitation of the economic rights of the authors of literary, scientific and artistic works" to apply to performances, broadcasts, cablecasts, recordings and phonograms); although there is a question as to whether this overlaps with the existing limitations in Art. 41 itself.

Subject to Remuneration	not required ("without payment of remuneration")
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6. School Performances

Provision	Art. 41(2)
Scope of school performance	use, and reproduce
Type(s) of source work(s)	performance or the broadcast or cablecast program or the recording thereof
Entity exercising school performance	
Purpose of school performance	for the sole purposes of teaching or research
Condition of school performance	
Preclusions (not part of school performance)	restrictions to apply without prejudice to the normal use of phonograms, performances, broadcasts or cable, and their records, and included in their literature works of science and art, and without prejudice to the legitimate interests of the performer, the organization of air or cable broadcasting and authors of the works <sup>3867</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 20(2)
Scope of broadcast/communication/recording	use, in radio or television broadcasts or sound or visual recordings of educational character
Type(s) of source work(s)	lawfully published works and extracts from such works, (performance, broadcast, cablecast, recording, phonogram) <sup>3868</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for the purpose of illustration
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	to the extent justified by the purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")
Provision	Art. 41(2)
Scope of broadcast/communication/recording	use, and reproduce

<sup>3867</sup> Art. 41 proviso.<sup>3868</sup> Art. 41(4) (providing for the "other cases provided for in Art. 19 to 21 for the limitation of the economic rights of the authors of literary, scientific and artistic works" to apply to performances, broadcasts, cablecasts, recordings and phonograms); although there is a question as to whether this overlaps with the existing limitations in Art. 41 itself.

Type(s) of source work(s)	performance or the broadcast or cablecast program or the recording thereof
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for the sole purposes of teaching or research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	restrictions to apply without prejudice to the normal use of phonograms, performances, broadcasts or cable, and their records, and included in their literature works of science and art, and without prejudice to the legitimate interests of the performer, the organization of air or cable broadcasting and authors of the works <sup>3869</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

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<sup>3869</sup> Art. 41 proviso.

## Thailand

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 17, 1931 (Paris Act (1971): December 29, 1980)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act, B.E. 2537

Copyright Act (No. 2) B.E. 2558 (2015)

Copyright Act (No. 3) B.E. 2558 (2015)

### 2. Private/Personal Use

Provision	s 32(1)
Scope of private/personal use	act
Type(s) of source work(s)	a copyright work of another person, (a computer program), <sup>3870</sup> (a performance) <sup>3871</sup>
Entity exercising private/personal use	
Purpose of private/personal use	research or study of the work
Condition of private/personal use	act is not for profit
Frequency/copies and limits	
Preclusions (not part of private/personal use)	act which does not conflict with normal exploitation of the copyright work by the owner of copyright and does not unreasonably prejudice the legitimate rights of the owner of copyright
Subject to Attribution	
Subject to Remuneration	not required ("not be deemed an infringement of copyright")
Provision	s 32(2)
Scope of private/personal use	act in relation to
Type(s) of source work(s)	a copyright work of another person, (a computer program), <sup>3872</sup> (a performance) <sup>3873</sup>
Entity exercising private/personal use	
Purpose of private/personal use	use for personal benefit or for the benefit of the user and his family members or close relatives, (or to keep copies for maintenance or prevention of loss) <sup>3874</sup>
Condition of private/personal use	
Frequency/copies and limits	

<sup>3870</sup> s 35(1).

<sup>3871</sup> s 53.

<sup>3872</sup> s 35(2).

<sup>3873</sup> s 53.

<sup>3874</sup> s 35(5).

Preclusions (not part of private/personal use)	act which does not conflict with normal exploitation of the copyright work by the owner of copyright and does not unreasonably prejudice the legitimate rights of the owner of copyright
Subject to Attribution	
Subject to Remuneration	not required ("not be deemed an infringement of copyright")

### 3. Quotations

Provision	s 33
Scope of quotation	a reasonable citation, quotation, copy, emulation or reference
Type(s) of source work(s)	in part and from a copyright work, (a performance) <sup>3875</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	
Preclusions (not part of quotation)	act which does not conflict with normal exploitation of the copyright work by the owner of copyright and does not unreasonably prejudice the legitimate rights of the owner of copyright <sup>3876</sup>
Subject to Attribution	copyright owner
Subject to Remuneration	not required ("not be deemed an infringement of copyright")

Provision	s 32(3)
Scope of quotation	comment, criticism or introduction
Type(s) of source work(s)	a copyright work of another person, (a computer program), <sup>3877</sup> (a performance) <sup>3878</sup>
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	
Preclusions (not part of quotation)	act which does not conflict with normal exploitation of the copyright work by the owner of copyright and does not unreasonably prejudice the legitimate rights of the owner of copyright
Subject to Attribution	copyright owner
Subject to Remuneration	not required ("not be deemed an infringement of copyright")

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<sup>3875</sup> s 53.

<sup>3876</sup> s 32 first para.

<sup>3877</sup> s 35(3)

<sup>3878</sup> s 53.

4. Research/Educational Reproduction

Provision	s 32(6)
Scope of research/educational reproduction	reproduction, adaptation, exhibition or display
Type(s) of source work(s)	a copyright work of another person, (a performance) <sup>3879</sup>
Entity exercising reproduction	a teacher
Purpose of educational reproduction	for the benefit of his teaching
Condition of reproduction	act is not for profit
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	act which does not conflict with normal exploitation of the copyright work by the owner of copyright and does not unreasonably prejudice the legitimate rights of the owner of copyright
Subject to Attribution	
Subject to Remuneration	not required ("not be deemed an infringement of copyright")

Provision	s 32(8)
Scope of research/educational reproduction	use
Type(s) of source work(s)	a copyright work of another person, (a computer program), <sup>3880</sup> (a performance) <sup>3881</sup>
Entity exercising reproduction	
Purpose of educational reproduction	as part of questions and answers in an examination
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	act which does not conflict with normal exploitation of the copyright work by the owner of copyright and does not unreasonably prejudice the legitimate rights of the owner of copyright
Subject to Attribution	
Subject to Remuneration	not required ("not be deemed an infringement of copyright")

5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 32(7)
Scope of anthologies/compilations limitation/exception	reproduction, adaptation in part of a work or abridgment or making a summary
Type(s) of source work(s)	a copyright work of another person, (a performance) <sup>3882</sup>

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<sup>3879</sup> s 53.

<sup>3880</sup> s 35(7)

<sup>3881</sup> s 53.

<sup>3882</sup> s 53.



Entity exercising anthologies/compilations limitation/exception	a teacher or an educational institution
Purpose of anthologies/compilations limitation/exception	so as to distribute or sell to students in a class or in an educational institution
Condition of anthologies/compilations limitation/exception	act is not for profit
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	act which does not conflict with normal exploitation of the copyright work by the owner of copyright and does not unreasonably prejudice the legitimate rights of the owner of copyright
Subject to Attribution	
Subject to Remuneration	not required ("not be deemed an infringement of copyright")

#### 6. School Performances

Provision	s 36
Scope of school performance	public performance
Type(s) of source work(s)	a dramatic work or musical work, (a performance) <sup>3883</sup>
Entity exercising school performance	an association, foundation or another organization which has objectives of public charity, education, religion or social welfare
Purpose of school performance	
Condition of school performance	not organized or conducted to obtain profit from such activity  without a direct or indirect charge for watching the performance  no remuneration for the performers
Preclusions (not part of school performance)	act which does not conflict with normal exploitation of the copyright work by the owner of copyright and does not unreasonably prejudice the legitimate rights of the owner of copyright
Subject to Attribution	
Subject to Remuneration	not required ("shall not be deemed an infringement of copyright")

#### 7. Educational Broadcasts/Communications/Recordings

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	s 54
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<sup>3883</sup> s 53.

Nature of compulsory licence for translation for educational purposes	non-transferable <sup>3884</sup> compulsory licence "solely entitling" <sup>3885</sup> (for the time specified in the licence) <sup>3886</sup> the licensee to translate into Thai or publish the licensed translation in Thailand <sup>3887</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>3888</sup> no digital dissemination <sup>3889</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration renewed and effective until Oct 10, 2024
Type(s) of source work(s)	a work which has already been communicated to the public in the form of printed material or other similar forms <sup>3890</sup>
Purpose of licence	benefit of study, teaching or research without a profit-seeking purpose <sup>3891</sup>
Condition of licence	licence applicant is a Thai national <sup>3892</sup>  copyright owner of work has not translated or authorized translation into Thai language within 3 years from first publication, or copyright owner has published the translation in the Thai language, but 3 years after the last publication of the translation, no further publications were made and all previous editions are out of print <sup>3893</sup>  licence applicant has previously requested and been denied authorisation by copyright, or after the lapse of a reasonable period of time, agreement cannot be reached <sup>3894</sup>  a further period of 6 months has lapsed from date licence applicant complies with licence requirements <sup>3895</sup>

<sup>3884</sup> s 54 2<sup>nd</sup> para (3).

<sup>3885</sup> s 54 2<sup>nd</sup> para (2) (providing that the Director General shall not permit any other person to make a Thai translation from the same original copyright work if the time specified in the licence has not elapsed or has elapsed for a time not exceeding six months).

<sup>3886</sup> s 54 2<sup>nd</sup> para (2).

<sup>3887</sup> s 54(5).

<sup>3888</sup> s 4 (defining reproduction as "any material method of copying, imitation, duplication, blockmaking, sound recording, video recording or sound and video recording from an original, a copy or a publication, whether in whole or in part, and, in the case of computer programs, means duplication or making copies of the program from any medium for a substantial part by any method, not creating a new work whether in whole or in part"); the language of s 54 refers to a "licence to translate ... or to reproduce copies", and the licence to publish is implied from the nature of the licence.

<sup>3889</sup> No references to the right of "communication to the public", which is defined in s 4 as "making a work available to the public by means of performing, lecturing, preaching, playing music, causing the perception by sound or image, constructing, distributing or by any other means".

<sup>3890</sup> s 54.

<sup>3891</sup> s 54.

<sup>3892</sup> s 54.

<sup>3893</sup> S 54 1<sup>st</sup> para (1) and (2).

<sup>3894</sup> S 54.

<sup>3895</sup> s 54 2<sup>nd</sup> para (1).

	subject to licensee's sale of existing copies, licence terminated if copyright owner (or his licensee) has published or authorised the translation or publication of identical translated work, at an appropriate price comparable with another work of the same nature sold in Thailand <sup>3896</sup>
Compulsory licence fee(s)	in absence of agreement, beneficiary of compulsory licence to pay equitable remuneration to copyright owner of work, consistent with normal rate of remuneration and conditions stipulated by Director General <sup>3897</sup>
Price of publication	
Distribution conditions	copies of licensed translation/published work may not be exported <sup>3898</sup>
Grantor of compulsory licence	Director General

#### 9. TPM/RMI Exceptions for Educational Purposes

Provision	s 53/3(2), Copyright Act (No. 2)
Scope of TPM/RMI restriction	deletion or modification of rights management information, not deemed an infringement,
Type(s) of source work(s)	a copyright work
Beneficiary exercising restriction	an educational institute, archive, library or public sound and video broadcasting organization with no profit-making purpose
Purpose of restriction	
Condition of restriction	characteristics of rights management information to be in accordance with Ministerial Regulation
Provision	s 53/3(2), Copyright Act (No. 2)
Scope of TPM/RMI restriction	communication to the public
Type(s) of source work(s)	a copyright work or copy whose rights management information has been deleted or modified
Beneficiary exercising restriction	an educational institute, archive, library or sound and video broadcasting organization with no profit-making purpose
Purpose of restriction	
Condition of restriction	characteristics of copyright work or copy to be in accordance with Ministerial Regulation
Provision	s 53/5(1), Copyright Act (No. 2)
Scope of TPM/RMI restriction	act not deemed an infringement of a technological protection measure done against
Type(s) of source work(s)	a copyright work
Beneficiary exercising restriction	

<sup>3896</sup> S 54 2<sup>nd</sup> para (4).

<sup>3897</sup> S 55 (providing also that appeals against Director General's orders are permissible to the Committee within 90 days of letter to inform parties of orders).

<sup>3898</sup> S 54 2<sup>nd</sup> para. (5) (excepting Thai nationals overseas as recipients, printed material serves the purposes of study, teaching or research, delivery of printed material is not for a commercial purpose and importing country allows Thailand to deliver or distribute the material).

Purpose of restriction	necessary for any act pursuant to an exception to copyright infringement
Condition of restriction	

Provision	s 53/5(2), Copyright Act (No. 2)
Scope of TPM/RMI restriction	act not deemed an infringement of a technological protection measure done against a copyright work
Type(s) of source work(s)	a copyright work
Beneficiary exercising restriction	
Purpose of restriction	for an analysis of necessary components of a computer system mutually used with other computer programs
Condition of restriction	

Provision	s 53/5(3), Copyright Act (No. 2)
Scope of TPM/RMI restriction	act not deemed an infringement of a technological protection measure done against a copyright work
Type(s) of source work(s)	a copyright work
Beneficiary exercising restriction	
Purpose of restriction	for the benefit of research, analysis and finding out a defect of an encryption technology
Condition of restriction	beneficiary has lawfully acquired the copyright work or copy, and made an honest effort in good faith to ask for permission from the copyright owner

Provision	s 53/5(4), Copyright Act (No. 2)
Scope of TPM/RMI restriction	act not deemed an infringement of a technological protection measure done against a copyright work
Type(s) of source work(s)	a copyright work
Beneficiary exercising restriction	
Purpose of restriction	for particular purposes of testing, inspecting or remedying a security system of a computer, computer system or computer network
Condition of restriction	with permission from the owner of the computer, computer system or computer network as the case may be

Provision	s 53/5(7), Copyright Act (No. 2)
Scope of TPM/RMI restriction	act not deemed an infringement of a technological protection measure done against a copyright work
Type(s) of source work(s)	a copyright work
Beneficiary exercising restriction	an educational institute, archive, library or public sound and video broadcasting organization with no profit-making purpose
Purpose of restriction	an act performed in order to have access to a copyright work which may not be accessed by other methods
Condition of restriction	



## Timor-Leste

### 1. Treaties & Legislation

Treaties:

Berne Convention: not a party

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Decree-Law No. 32/2008 of August 27, 2008 on Administrative Procedure

### 2. Private/Personal Use

### 3. Quotations

### 4. Research/Educational Reproduction

### 5. Educational Publications/Anthologies/Compilations/Composite Works

### 6. School Performances

### 7. Educational Broadcasts/Communications/Recordings

### 8. Compulsory Licences for Educational Reproductions and Translations

### 9. TPM/RMI Exceptions for Educational Purposes

## The former Yugoslav Republic of Macedonia

### 1. Treaties & Legislation

Treaties:

Berne Convention: September 8, 1991 (Paris Act (1971): September 8, 1991)

WIPO Copyright Treaty: February 4, 2004

WIPO Performances and Phonograms Treaty: March 20, 2005

Legislation:

Law on Copyright and Related Rights (31 Aug 2010)

Law on Changing and Amending the Law on Copyright and Related Rights (Official Gazette of Republic of Macedonia No. 51/2011)

Law on Amendments to the Law on Copyright and Related Rights (Official Gazette of the Republic of Macedonia No. 147/2013)

Law on Amendments to the Law on Copyright and Related Rights (Official Gazette of the Republic of Macedonia No. 154/2015)

Law on Amendments to the Law on Copyright and Related Rights (Official Gazette of the Republic of Macedonia No. 27/2016)

### 2. Private/Personal Use

Provision	Art. 46
Scope of private/personal use	reproduction
Type(s) of source work(s)	work, performance, phonogram, videogram/film
Entity exercising private/personal use	
Purpose of private/personal use	private purpose <sup>3899</sup>
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	fair compensation <sup>3900</sup> payable by providers of (photocopying services), producers/importers of (equipment for photocopying, sound and visual fixation, blank sound or sound/image carriers) at first sale/import/provision of photocopy services, to be collected by CMOs <sup>3901</sup> on behalf of

<sup>3899</sup> Art. 39(3) (noting that author has right of compensation for reproduction for private use).

<sup>3900</sup> Art. 46 (providing that reproduction for private purpose shall be subject to payment of fair compensation).

<sup>3901</sup> Art. 131 (providing for the collective management of rights of authors and owners of related rights).

	author, <sup>3902</sup> performer, <sup>3903</sup> phonogram producer, <sup>3904</sup> film producer, <sup>3905</sup> publisher <sup>3906</sup>
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Provision	Art. 54.2
Scope of private/personal use	reproduction on any medium
Type(s) of source work(s)	work, (performance, phonogram, videogram/film, broadcast, publication) <sup>3907</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	private use
Condition of private/personal use	without direct or indirect commercial advantage
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	fair compensation <sup>3908</sup> payable by providers of (photocopying services), producers/importers of (equipment for photocopying, sound and visual fixation, blank sound or sound/image carriers) at first sale/import/provision of photocopy services, to be collected by CMOs <sup>3909</sup> on behalf of author, <sup>3910</sup> performer, <sup>3911</sup> phonogram producer, <sup>3912</sup> film producer, <sup>3913</sup> publisher <sup>3914</sup>

### 3. Quotations

Provision	Art. 52(1).7
Scope of quotation	use
Type(s) of source work(s)	parts of disclosed copyrighted works, <sup>3915</sup> (performances, phonograms, videograms/films, broadcasts, publications) <sup>3916</sup>
Entity exercising quotation	
Purpose of quotation	scientific research, education, criticism, polemics, or review
Condition of quotation	in a scope and to the extent required by the specific purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)

<sup>3902</sup> Arts. 46-48 (prescribing the entities obliged to make payment and amount of the compensation).

<sup>3903</sup> Art. 105(3).

<sup>3904</sup> Art. 111(5).

<sup>3905</sup> Art. 114.

<sup>3906</sup> Art. 116. The distribution ratios between authors and owners of related rights are set out in Art. 145.

<sup>3907</sup> Art. 100.

<sup>3908</sup> Art. 46 (providing that reproduction for private purpose shall be subject to payment of fair compensation).

<sup>3909</sup> Art. 131 (providing for the collective management of rights of authors and owners of related rights).

<sup>3910</sup> Arts. 46-48 (prescribing the entities obliged to make payment and amount of the compensation).

<sup>3911</sup> Art. 105(3).

<sup>3912</sup> Art. 111(5).

<sup>3913</sup> Art. 114.

<sup>3914</sup> Art. 116. The distribution ratios between authors and owners of related rights are set out in Art. 145.

<sup>3915</sup> Art. 51(1).

<sup>3916</sup> Art. 100.



Subject to Remuneration	not required ("use ... without remuneration")
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#### 4. Research/Educational Reproduction

Provision	Art. 52(1).2
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a disclosed copyrighted work, <sup>3917</sup> (performance, phonogram, videogram/film, broadcast, publication) <sup>3918</sup>
Entity exercising reproduction	public libraries, educational establishments or museums, or by archives
Purpose of educational reproduction	carrying out their activity
Condition of reproduction	activities without direct or indirect economic or commercial advantage
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	use "can be carried out only in certain special cases, provided that the use does not conflict with the normal exploitation of the work, and does not unreasonably prejudice the legitimate interests of the author" <sup>3919</sup>
Subject to Attribution	
Subject to Remuneration	reproduction on paper or any similar medium, by way of photocopying or any other analogous technique or other process having similar effects (with the exception of graphic editions of a musical work (sheet music)), to be subject to fair compensation <sup>3920</sup>

Provision	Art. 52(1).4
Scope of research/educational reproduction	use
Type(s) of source work(s)	a disclosed copyrighted work, <sup>3921</sup> (performance, phonogram, videogram/film, broadcast, publication) <sup>3922</sup>
Entity exercising reproduction	
Purpose of educational reproduction	for illustration for teaching or scientific research
Condition of reproduction	to the extent justified by the non-commercial purpose to be achieved
Frequency/copies and limits	

<sup>3917</sup> Art. 51(1).

<sup>3918</sup> Art. 100.

<sup>3919</sup> Art. 51(2).

<sup>3920</sup> Art. 54.1 (providing for fair compensation for reprographic reproduction or analogous techniques). Cf. Art. 52(1).2 provides for reproduction by educational establishments "without remuneration". Interpreting these provisions consistently with the requirement that the limitations and exceptions "do not conflict with the normal exploitation of the work, and does not unreasonably prejudice the legitimate interests of the author", reproduction by reprographic reproduction must be interpreted as the exception to the rule against reproduction by educational establishments "without remuneration".

<sup>3921</sup> Art. 51(1).

<sup>3922</sup> Art. 100.

Preclusions (not part of research/educational reproduction)	use “can be carried out only in certain special cases, provided that the use does not conflict with the normal exploitation of the work, and does not unreasonably prejudice the legitimate interests of the author” <sup>3923</sup>
Subject to Attribution	source, author (unless infeasible)
Subject to Remuneration	reproduction on paper or any similar medium, by way of photocopying or any other analogous technique or other process having similar effects (with the exception of graphic editions of a musical work (sheet music)), to be subject to fair compensation <sup>3924</sup>

5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	Art. 52(1).17
Scope of broadcast/communication/recording	public communication and making available
Type(s) of source work(s)	a disclosed copyrighted work <sup>3925</sup> (performance, phonogram, videogram/film, broadcast, publication) <sup>3926</sup> contained in the collections/fonds of these establishments
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for the purpose of research or private study in certain locations within the public scientific, cultural, educational and other establishments of similar nature
Condition of broadcast/communication/recording	work is not subject to purchase, or its use is not subject to having an authorization
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("use ... without remuneration")

<sup>3923</sup> Art. 51(2).<sup>3924</sup> Art. 54.1 (providing for fair compensation for reprographic reproduction or analogous techniques). Cf. Art. 52(1).2 provides for reproduction by educational establishments “without remuneration”. Interpreting these provisions consistently with the requirement that the limitations and exceptions “do not conflict with the normal exploitation of the work, and does not unreasonably prejudice the legitimate interests of the author”, reproduction by reprographic reproduction must be interpreted as the exception to the rule against reproduction by educational establishments “without remuneration”.<sup>3925</sup> Art. 51(1).<sup>3926</sup> Art. 100.

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	Art. 164
Scope of TPM/RMI restriction	require rightholder who uses technological measures in respect of copyright work to enable access and use of work by beneficiary through removal of technological measures or by providing other appropriate means
Type(s) of source work(s)	copyright work
Beneficiary exercising restriction	users who reproduce copyright work for [purpose]
Purpose of restriction	reproduction by educational establishments <sup>3927</sup> , illustration for teaching or scientific research, <sup>3928</sup> private use <sup>3929</sup>
Condition of restriction	upon request from beneficiary with legal access to copyright work  use carried out only in certain special cases, does not conflict with normal exploitation of work, does not unreasonably prejudice the legitimate interests of author <sup>3930</sup>  but not applicable to right of making available to the public

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<sup>3927</sup> Art. 52(1).2.

<sup>3928</sup> Art. 52(1).4.

<sup>3929</sup> Art. 54.2.

<sup>3930</sup> Art. 51.

## Togo

### 1. Treaties & Legislation

Treaties:

Berne Convention: April 30, 1975 (Paris Act (1971): April 30, 1975)

WIPO Copyright Treaty: May 21, 2003

WIPO Performances and Phonograms Treaty: May 21, 2003

Bangui Agreement 1977

Legislation:

Law No. 91-12 of June 10, 1991 on the Protection of Copyright, Folklore and Related Rights

### 2. Private/Personal Use

Provision	Art. 20.1(a)
Scope of private/personal use	communication such as performance or broadcast
Type(s) of source work(s)	a work lawfully made accessible to the public, (a performance, phonogram, broadcast) <sup>3931</sup>
Entity exercising private/personal use	
Purpose of private/personal use	private, carried out exclusively within the family circle
Condition of private/personal use	give rise to no form of revenue
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prevent it from being used")
Provision	Art. 20.2
Scope of private/personal use	reproduction, translations and adaptations
Type(s) of source work(s)	a published work, (a performance, phonogram, broadcast) <sup>3932</sup>
Entity exercising private/personal use	
Purpose of private/personal use	designed for strictly personal and private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prevent it from being used")
Provision	Art. 109(a)
Scope of private/personal use	use

<sup>3931</sup> Art. 109(e) (applying exceptions relating to copyright works to related rights).

<sup>3932</sup> Art. 109(e) (applying exceptions relating to copyright works to related rights).

Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising private/personal use	
Purpose of private/personal use	private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("related rights ... shall not be applicable")

### 3. Quotations

Provision	Art. 21
Scope of quotation	short quotations and analyses
Type(s) of source work(s)	a work already lawfully made available to the public, including quotations from articles from newspapers and periodicals in the form of press reviews (in original version or in translation)
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation is compatible with fair practice  quotation is to the extent justified by the scientific, critical, polemical, teaching or information purpose
Preclusions (not part of quotation)	
Subject to Attribution	title, author
Subject to Remuneration	not required ("shall be lawful")

Provision	Art. 109(d)
Scope of quotation	quotations
Type(s) of source work(s)	short fragments of a performance, phonogram, broadcast
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotations are in accordance with proper practice  quotations are justified by their information purpose
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("related rights ... shall not be applicable")

### 4. Research/Educational Reproduction

Provision	Art. 109(c)
Scope of research/educational reproduction	use

Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising reproduction	
Purpose of educational reproduction	single usage for exclusively teaching or scientific research purposes
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	phonograms: Minister for Culture shall issue licences for the production of copies of phonograms when such reproduction is carried out and distributed in Togo to the exclusion of any export of copies; fair remuneration set by Ministry for phonogram producer, taking particular account of number of copies made and distributed <sup>3933</sup>

5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances

Provision	Art. 109(c)
Scope of school performance	use
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising school performance	
Purpose of school performance	single usage for exclusively teaching or scientific research purposes
Condition of school performance	
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	phonograms: Minister for Culture shall issue licences for the production of copies of phonograms when such reproduction is carried out and distributed in Togo to the exclusion of any export of copies; fair remuneration set by Ministry for phonogram producer, taking particular account of number of copies made and distributed <sup>3934</sup>

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 109(c)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	single usage for exclusively teaching or scientific research purposes

<sup>3933</sup> Art. 110.<sup>3934</sup> Art. 110.

Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	phonograms: Minister for Culture shall issue licences for the production of copies of phonograms when such reproduction is carried out and distributed in Togo to the exclusion of any export of copies; fair remuneration set by Ministry for phonogram producer, taking particular account of number of copies made and distributed <sup>3935</sup>
Provision	Art. 20.1(b)
Scope of broadcast/communication/recording	communication such as performance or broadcast
Type(s) of source work(s)	a work lawfully made accessible to the public, (a performance, phonogram, broadcast) <sup>3936</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	strictly educational or teaching purposes
Condition of broadcast/communication/recording	communication is carried out free of charge
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("author may not prevent it from being used")

## 8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 25
Nature of compulsory licence for translation for educational purposes	authorisation from competent authority, for translation into French and into the national languages and publication of such translation in Togo
Scope of compulsory licence for digital copying and dissemination	probably digital reproduction probably digital publication <sup>3937</sup> no digital dissemination <sup>3938</sup>

<sup>3935</sup> Art. 110.

<sup>3936</sup> Art. 109(e) (applying exceptions relating to copyright works to related rights).

<sup>3937</sup> Art. 95.5 (defining "publication", in relation to a phonogram, as the "offering of sufficient copies of a phonogram to the public). The term is otherwise not defined in relation to a work generally. Art. 18.1 describes the exclusive right of reproduction as "reproducing the work *in any format*, including in the form of cinema films and sound recordings, using any procedures that enable the work to be communicated to the public".

<sup>3938</sup> No references in Art. 25 to the other exclusive rights of "performing or reciting the work in public by any means or procedure", or "communication the work to the public by cable, loudspeaker or any other procedure or means of transmitting sounds or images". See Art. 18.2, 18.3.

Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	a work
Licence applicant/entity	
Purpose of licence	
Condition of licence	
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	competent authority

Provision	Art. 26
Nature of compulsory licence for reproduction for educational purposes	licence granted by competent authority, for reproduction and publication of a specific edition of work on Togolese territory
Scope of compulsory licence for digital copying and dissemination	probably digital reproduction probably digital publication <sup>3939</sup> no digital dissemination <sup>3940</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	a work
Licence applicant/entity	
Purpose of licence	
Condition of licence	
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	competent authority

## 9. TPM/RMI Exceptions for Educational Purposes

<sup>3939</sup> Art. 95.5 (defining "publication", in relation to a phonogram, as the "offering of sufficient copies of a phonogram to the public). The term is otherwise not defined in relation to a work generally. Art. 18.1 describes the exclusive right of reproduction as "reproducing the work *in any format*, including in the form of cinema films and sound recordings, using any procedures that enable the work to be communicated to the public".

<sup>3940</sup> No references in Art. 25 to the other exclusive rights of "performing or reciting the work in public by any means or procedure", or "communication the work to the public by cable, loudspeaker or any other procedure or means of transmitting sounds or images". See Art. 18.2, 18.3.



## Tonga

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 14, 2001 (Paris Act (1971): June 14, 2001)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Act (Act No. 12 of 2002)

### 2. Private/Personal Use

Provision	ss 8, 26(d)
Scope of private/personal use	private reproduction
Type(s) of source work(s)	a published work, (a performance, phonogram, broadcast) <sup>3941</sup>
Entity exercising private/personal use	a person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	work: in a single copy
Preclusions (not part of private/personal use)	works of architecture in the form of building or other construction, reprographic reproduction of whole or substantial part of a book or musical notation, whole or substantial part of a digital database, computer program <sup>3942</sup> , any work where "reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or other owner of copyright"
Subject to Attribution	
Subject to Remuneration	not required ("without the authorisation of the author or owner")
Provision	s 26(b)
Scope of private/personal use	reproduction
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising private/personal use	
Purpose of private/personal use	solely for scientific research
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

<sup>3941</sup> S 26(d) (applying cases where a work can be used without authorization of the author or other owner of copyright to related rights).

<sup>3942</sup> S 14 (excepting use of the computer program and for backup/archival purposes).

### 3. Quotations

Provision	s 10
Scope of quotation	reproduction
Type(s) of source work(s)	a short part of a published work, (a performance, phonogram, broadcast) <sup>3943</sup>
Entity exercising quotation	
Purpose of quotation	in the form of quotation
Condition of quotation	reproduction is compatible with fair practice reproduction does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("without authorisation of the author or other owner")

### 4. Research/Educational Reproduction

Provision	s 11(1)(a)
Scope of research/educational reproduction	reproduction, by way of illustration, in writings
Type(s) of source work(s)	a short part of a published work, (a performance, phonogram, broadcast) <sup>3944</sup>
Entity exercising reproduction	
Purpose of educational reproduction	teaching purposes
Condition of reproduction	reproduction is compatible with fair practice
Frequency/copies and limits	reproduction does not exceed the extent justified by the purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (all copies if practicable)
Subject to Remuneration	not required ("permitted without authorisation of the author, or other owner")
Provision	s 11(1)(b)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	published articles, other short works or short extracts of works
Entity exercising reproduction	
Purpose of educational reproduction	face-to-face teaching in educational institutions
Condition of reproduction	activities of which do not serve direct or indirect commercial gain  no collective licence available by CMO under which such reproduction can be made of which educational institution is or should be aware

<sup>3943</sup> S 26(d) (applying cases where a work can be used without authorization of the author or other owner of copyright to related rights).

<sup>3944</sup> S 26(d) (applying cases where a work can be used without authorization of the author or other owner of copyright to related rights), though noting s 26(c) applies to reproduction solely for the purpose of face-to-face teaching activities, but s 11(1)(a) is broader as it applies to all "teaching purposes".

Frequency/copies and limits	reproduction to the extent justified by the purpose  reproduction is an isolated one; if repeated, each occurrence be separate and unrelated
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (all copies if practicable)
Subject to Remuneration	not required ("permitted without authorisation of the author, or other owner")
Provision	s 26(c)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a performance, phonogram, broadcast
Entity exercising reproduction	
Purpose of educational reproduction	solely for the purposes of face-to-face teaching activities
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	except for performances and phonograms which have been published as teaching or instructional materials
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

5. Educational Publications/Anthologies/Compilations/Composite Works
6. School Performances
7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Trinidad and Tobago

### 1. Treaties & Legislation

Treaties:

Berne Convention: August 16, 1988 (Paris Act (1971): August 16, 1988)

WIPO Copyright Treaty: November 28, 2008

WIPO Performances and Phonograms Treaty: November 28, 2008

Legislation:

Copyright Act, Cap. 82:80 (Act 8 of 1997, Amended by Act 18 of 2000 and Act 5 of 2008)

### 2. Private/Personal Use

Provision	ss 9, 25(1)(a)
Scope of private/personal use	private reproduction
Type(s) of source work(s)	a published work, (a performance, sound recording, broadcast) <sup>3945</sup>
Entity exercising private/personal use	a natural person
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	work: in a single copy
Preclusions (not part of private/personal use)	works of architecture in the form of a building or other construction, reprographic reproduction of whole or substantial part of a book or musical notation, whole or substantial part of a database, computer program <sup>3946</sup> , any work, (performance, sound recording, broadcast) where "reproduction would conflict with a normal exploitation of the work, (performance, sound recording, broadcast) or would otherwise unreasonably prejudice the legitimate interests of the owner of copyright" <sup>3947</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without the authorisation of the owner")

### 3. Quotations

Provision	s 10
Scope of quotation	reproduction
Type(s) of source work(s)	a short part of a published work, (a performance, sound recording, broadcast) <sup>3948</sup>
Entity exercising quotation	
Purpose of quotation	in the form of quotation

<sup>3945</sup> S 25(1)(a) (applying cases where a work can be used without authorization of the author or other owner of copyright to related rights).

<sup>3946</sup> S 14 (excepting use of the computer program and for backup/archival purposes).

<sup>3947</sup> Ss 9, 25(2).

<sup>3948</sup> S 25(1)(d) (applying cases where a work can be used without authorization of the author or other owner of copyright to related rights).

Condition of quotation	reproduction is compatible with fair practice reproduction does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("Notwithstanding the [right of reproduction]" <sup>3949</sup> )

#### 4. Research/Educational Reproduction

Provision	s 11(1)(a)
Scope of research/educational reproduction	reproduction, by way of illustration, in writings
Type(s) of source work(s)	a short part of a published work, (a performance, phonogram, broadcast) <sup>3950</sup>
Entity exercising reproduction	
Purpose of educational reproduction	teaching purposes
Condition of reproduction	reproduction is compatible with fair practice
Frequency/copies and limits	reproduction does not exceed the extent justified by the purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (all copies if practicable)
Subject to Remuneration	not required ("without authorisation of the owner")
Provision	s 11(1)(b)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	published articles, other short works or short extracts of works
Entity exercising reproduction	
Purpose of educational reproduction	face-to-face teaching in educational institutions
Condition of reproduction	activities of which do not serve direct or indirect commercial gain  no collective licence available by CMO under which such reproduction can be made of which educational institution is or should be aware
Frequency/copies and limits	reproduction to the extent justified by the purpose  reproduction is an isolated one; if repeated, each occurrence be separate and unrelated
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (all copies if practicable)

<sup>3949</sup> s 8(1)(a) (referring to the "reproduction of the work" as an exclusive right).

<sup>3950</sup> S 25(1)(d) (applying cases where a work can be used without authorization of the author or other owner of copyright to related rights), though noting s 25(1)(c) applies to reproduction solely for the purpose of face-to-face teaching activities, but s 11(1)(a) is broader as it applies to all "teaching purposes".

Subject to Remuneration	not required ("without authorisation of the owner")
Provision	s 25(c)
Scope of research/educational reproduction	use
Type(s) of source work(s)	a performance, sound recording, broadcast
Entity exercising reproduction	
Purpose of educational reproduction	solely for the purposes of face-to-face teaching activities or for scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 11(1)(a)
Scope of anthologies/compilations limitation/exception	reproduction, by way of illustration, in writings or sound or visual recordings
Type(s) of source work(s)	a short part of a published work, (a performance, phonogram, broadcast) <sup>3951</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	teaching purposes
Condition of anthologies/compilations limitation/exception	reproduction is compatible with fair practice
Frequency/copies and limits	reproduction does not exceed the extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author (all copies if practicable)
Subject to Remuneration	not required ("without authorisation of the owner")

#### 6. School Performances

Provision	s 25(c)
Scope of school performance	use
Type(s) of source work(s)	a performance, sound recording, broadcast
Entity exercising school performance	
Purpose of school performance	solely for the purposes of face-to-face teaching activities or for scientific research
Condition of school performance	
Preclusions (not part of school performance)	

<sup>3951</sup> S 25(1)(d) (applying cases where a work can be used without authorization of the author or other owner of copyright to related rights), though noting s 25(1)(c) applies to reproduction solely for the purpose of face-to-face teaching activities, but s 11(1)(a) is broader as it applies to all "teaching purposes".

Subject to Attribution	
Subject to Remuneration	not required (“[neighbouring rights] shall not apply”)

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 11(1)(a)
Scope of broadcast/communication/recording	reproduction, by way of illustration, in sound or visual recordings
Type(s) of source work(s)	a short part of a published work, (a performance, phonogram, broadcast) <sup>3952</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching purposes
Condition of broadcast/communication/recording	reproduction is compatible with fair practice
Frequency/limits of broadcast/communication/recording	reproduction does not exceed the extent justified by the purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (all copies if practicable)
Subject to Remuneration	not required (“without authorisation of the owner”)
Provision	s 25(c)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	a performance, sound recording, broadcast
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	solely for the purposes of face-to-face teaching activities or for scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required (“[neighbouring rights] shall not apply”)

#### 8. Compulsory Licences for Educational Reproductions and Translations

#### 9. TPM/RMI Exceptions for Educational Purposes

<sup>3952</sup> S 25(1)(d) (applying cases where a work can be used without authorization of the author or other owner of copyright to related rights), though noting s 25(1)(c) applies to reproduction solely for the purpose of face-to-face teaching activities, but s 11(1)(a) is broader as it applies to all “teaching purposes”.

## Tunisia

### 1. Treaties & Legislation

Treaties:

Berne Convention: December 5, 1887 (Paris Act (1971): August 16, 1975)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law No. 94-36 of February 24, 1994, on Literary and Artistic Property

### 2. Private/Personal Use

Provision	Art. 10(a)
Scope of private/personal use	making available to the public
Type(s) of source work(s)	a work that is lawfully made available to the public
Entity exercising private/personal use	
Purpose of private/personal use	private purposes
Condition of private/personal use	free of charge  organizers of theatrical performances, whether free of charge or against payment, shall be required to inform beforehand either the author, his successors in title or the Copyright Protection Agency <sup>3953</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author ... may not prevent")

Provision	Art. 10(b)
Scope of private/personal use	reproductions, translations and adaptations
Type(s) of source work(s)	a work that is lawfully made available to the public
Entity exercising private/personal use	strictly personal and private use
Purpose of private/personal use	
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("author ... may not prevent")

### 3. Quotations

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<sup>3953</sup> Art. 10 proviso.



Provision	Art. 11
Scope of quotation	quotations and borrowings
Type(s) of source work(s)	a work already lawfully made available to the public, including articles in the form of press summaries (in original version or in translation)
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotations and borrowings are compatible with fair practice  quotations and borrowings are justified by a scientific, educational or informational purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if in source)
Subject to Remuneration	not required ("shall be authorized")

#### 4. Research/Educational Reproduction

Provision	Art. 13
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	literary, scientific or artistic works
Entity exercising reproduction	public libraries, the non-commercial documentation centers, the scientific institutes and teaching establishments, the youth centers and culture centers
Purpose of educational reproduction	
Condition of reproduction	
Frequency/copies and limits	in the necessary quantity and limited to the needs of their activities
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	remuneration to be laid down by Tunisian Copyright Protection Agency, failing amicable agreement between the parties

Provision	Art. 12
Scope of research/educational reproduction	reproductions
Type(s) of source work(s)	sound or audiovisual recordings and reproductions of broadcast literary, scientific or artistic works
Entity exercising reproduction	
Purpose of educational reproduction	recordings or reproductions are made for educational or cultural purposes
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	

Subject to Remuneration	not required ("shall be lawful")
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5. Educational Publications/Anthologies/Compilations/Composite Works

6. School Performances

Provision	Art. 10(a)
Scope of school performance	"making available to the public" <sup>3954</sup>
Type(s) of source work(s)	a work that is lawfully made available to the public
Entity exercising school performance	
Purpose of school performance	educational, teaching or cultural purposes
Condition of school performance	organizers of theatrical performances, whether free of charge or against payment, shall be required to inform beforehand either the author, his successors in title or the Copyright Protection Agency
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("author ... may not prevent")

7. Educational Broadcasts/Communications/Recordings

Provision	Art. 10(a)
Scope of broadcast/communication/recording	"making available to the public" <sup>3955</sup>
Type(s) of source work(s)	a work that is lawfully made available to the public
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	educational, teaching or cultural purposes
Condition of broadcast/communication/recording	organizers of theatrical performances, whether free of charge or against payment, shall be required to inform beforehand either the author, his successors in title or the Copyright Protection Agency
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	

<sup>3954</sup> Art. 2 (describing the author's right of "communiquer l'oeuvre au public" or communicate the work to the public); cf. Art. 10(a) (describing the limitation or exception as "la mise à la disposition au public" or the making available to the public). But Art. 2 also describes the author's right of communication to the public as including public performances, broadcast and cable or satellite transmissions, and communication of broadcasts by wire, loudspeaker or any other transmission device).

<sup>3955</sup> Art. 2 (describing the author's right of "communiquer l'oeuvre au public" or communicate the work to the public); cf. Art. 10(a) (describing the limitation or exception as "la mise à la disposition au public" or the making available to the public). But Art. 2 also describes the author's right of communication to the public as including public performances, broadcast and cable or satellite transmissions, and communication of broadcasts by wire, loudspeaker or any other transmission device).

Subject to Attribution	
Subject to Remuneration	not required ("author ... may not prevent")

Provision	Art. 12
Scope of broadcast/communication/recording	recordings
Type(s) of source work(s)	sound or audiovisual recordings and reproductions of broadcast literary, scientific or artistic works
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	recordings or reproductions are made for educational or cultural purposes
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be lawful")

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Turkey

### 1. Treaties & Legislation

Treaties:

Berne Convention: January 1, 1952 (Paris Act (1971): January 1, 1996)

WIPO Copyright Treaty: November 28, 2008

WIPO Performances and Phonograms Treaty: November 28, 2008

Legislation:

Law No. 5846 of December 5, 1951 on Intellectual and Artistic Works (as last amended by Law No. 5728 of January 23, 2008)

### 2. Private/Personal Use

Provision	Art. 38 para. 1
Scope of private/personal use	reproduce
Type(s) of source work(s)	all intellectual and artistic works
Entity exercising private/personal use	
Purpose of private/personal use	personal use
Condition of private/personal use	without pursuing profit
Frequency/copies and limits	
Preclusions (not part of private/personal use)	"reproduction may not prejudice the legitimate interests of rightholders without good reason or conflict with the normal exploitation of the work"
Subject to Attribution	
Subject to Remuneration	not required ("It is permitted")

Provision	Art. 80.2 para. 7 item 1
Scope of private/personal use	reproduction
Type(s) of source work(s)	intellectual and artistic works and radio television programs
Entity exercising private/personal use	
Purpose of private/personal use	personal use
Condition of private/personal use	without aiming for profit
Frequency/copies and limits	
Preclusions (not part of private/personal use)	"may not prejudice the legitimate interests of the right holders without good reason or conflict with the normal exploitation of the work" <sup>3956</sup>
Subject to Attribution	
Subject to Remuneration	not required ("written permission ... shall not be necessary")

### 3. Quotations

Provision	Art. 35.1
Scope of quotation	quoting, in an independent literary or scientific work

<sup>3956</sup> Art. 80.2 para. 8.

Type(s) of source work(s)	a few sentences or passages of a work made public, (a performance, phonogram, broadcast) <sup>3957</sup>
Entity exercising quotation	
Purpose of quotation	quotations
Condition of quotation	quotation made in a manifest way
Preclusions (not part of quotation)	performance, phonogram, broadcast: such application may "not prejudice the legitimate interests of the right holders without good reason or conflict with the normal exploitation of the work" <sup>3958</sup>
Subject to Attribution	scientific work: work, author, passage from quoted part
Subject to Remuneration	not required ("are permitted")

Provision	Art. 35.2
Scope of quotation	incorporating, into an independent musical work
Type(s) of source work(s)	certain elements of a published composition, at the most such as themes, patterns, passages or ideas, (a performance, phonogram, broadcast) <sup>3959</sup>
Entity exercising quotation	
Purpose of quotation	quotations
Condition of quotation	quotation made in a manifest way
Preclusions (not part of quotation)	performance, phonogram, broadcast: such application may "not prejudice the legitimate interests of the right holders without good reason or conflict with the normal exploitation of the work" <sup>3960</sup>
Subject to Attribution	scientific work: work, author, passage from quoted part
Subject to Remuneration	not required ("are permitted")

Provision	Art. 35.3
Scope of quotation	reproducing, in a scientific work
Type(s) of source work(s)	works of fine arts that have been made public and other published works, (a performance, phonogram, broadcast) <sup>3961</sup>
Entity exercising quotation	
Purpose of quotation	quotations, for the purpose of explaining its content
Condition of quotation	quotation made in a manifest way quotation to the extent justified by such purpose

<sup>3957</sup> Art. 80.2 para. 7 item 4 (applying exceptions in Arts. 30, 32, 34, 35, 43, 46 and 47 to neighboring rights).

<sup>3958</sup> Art. 80.2 para. 7 item 4.

<sup>3959</sup> Art. 80.2 para. 7 item 4 (applying exceptions in Arts. 30, 32, 34, 35, 43, 46 and 47 to neighboring rights).

<sup>3960</sup> Art. 80.2 para. 7 item 4.

<sup>3961</sup> Art. 80.2 para. 7 item 4 (applying exceptions in Arts. 30, 32, 34, 35, 43, 46 and 47 to neighboring rights).

Preclusions (not part of quotation)	performance, phonogram, broadcast: such application may "not prejudice the legitimate interests of the right holders without good reason or conflict with the normal exploitation of the work" <sup>3962</sup>
Subject to Attribution	scientific work: work, author, passage from quoted part
Subject to Remuneration	not required ("are permitted")

Provision	Art. 35.4
Scope of quotation	displaying, by projection or similar means
Type(s) of source work(s)	works of fine arts that have been made public, (a performance, phonogram, broadcast) <sup>3963</sup>
Entity exercising quotation	
Purpose of quotation	quotations, to explain a subject at scientific conferences or lectures
Condition of quotation	quotation made in a manifest way
Preclusions (not part of quotation)	performance, phonogram, broadcast: such application may "not prejudice the legitimate interests of the right holders without good reason or conflict with the normal exploitation of the work" <sup>3964</sup>
Subject to Attribution	scientific work: work, author, passage from quoted part
Subject to Remuneration	not required ("are permitted")

#### 4. Research/Educational Reproduction

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 34
Scope of anthologies/compilations limitation/exception	create selected or collected works dedicated to educational purposes, by way of making quotations
Type(s) of source work(s)	published musical, literary and scientific works and works of fine arts that are made public, (a performance, phonogram, broadcast) <sup>3965</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	educational purposes
Condition of anthologies/compilations limitation/exception	all kinds of technical and scientific photographic works etc. lacking in aesthetic quality, <sup>3966</sup> all

<sup>3962</sup> Art. 80.2 para. 7 item 4.

<sup>3963</sup> Art. 80.2 para. 7 item 4 (applying exceptions in Arts. 30, 32, 34, 35, 43, 46 and 47 to neighboring rights).

<sup>3964</sup> Art. 80.2 para. 7 item 4.

<sup>3965</sup> Art. 80.2 para. 7 item 4 (applying exceptions in Arts. 30, 32, 34, 35, 43, 46 and 47 to neighboring rights).

<sup>3966</sup> Art. 2.1 para. 3.

	types of drawings, <sup>3967</sup> photographic works and slides <sup>3968</sup> may only be quoted to explain the content of the selected and collected work
Frequency/copies and limits	quotations in an amount justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	"may not be used in a way which would prejudice the legitimate interests of the author/right holders without good reason or which would conflict with the normal exploitation of the work" <sup>3969</sup>
Subject to Attribution	title, author (in customary manner)
Subject to Remuneration	not required ("It is free")

## 6. School Performances

Provision	Art. 33
Scope of school performance	performance
Type(s) of source work(s)	published works
Entity exercising school performance	in all educational institutions
Purpose of school performance	face-to-face education
Condition of school performance	without directly or indirectly aiming for profit
Preclusions (not part of school performance)	
Subject to Attribution	source, author (in customary manner)
Subject to Remuneration	not required ("freely performed")

Provision	Art. 80.2 para. 7 item 1
Scope of school performance	performance to the public
Type(s) of source work(s)	intellectual and artistic works
Entity exercising school performance	
Purpose of school performance	public order, education and instruction, scientific research or news
Condition of school performance	without aiming for profit
Preclusions (not part of school performance)	"may not prejudice the legitimate interests of the right holders without good reason or conflict with the normal exploitation of the work" <sup>3970</sup>
Subject to Attribution	
Subject to Remuneration	not required ("written permission ... shall not be necessary")

## 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 34
Scope of broadcast/communication/recording	school radio broadcasts of selected or collected works, by way of making quotations

<sup>3967</sup> Art. 4.1 para 1.

<sup>3968</sup> Art. 4.1 para 5.

<sup>3969</sup> Art. 34, Art. 80.2 para. 7 item 4.

<sup>3970</sup> Art. 80.2 para. 8.

Type(s) of source work(s)	published musical, literary and scientific works and works of fine arts that are made public, (a performance, phonogram, broadcast) <sup>3971</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	broadcasts made exclusively for schools and approved by the Ministry of Education
Condition of broadcast/communication/recording	all kinds of technical and scientific photographic works etc. lacking in aesthetic quality, <sup>3972</sup> all types of drawings, <sup>3973</sup> photographic works and slides <sup>3974</sup> may only be quoted to explain the content of the selected and collected work
Frequency/limits of broadcast/communication/recording	quotations in an amount justified by the purpose
Preclusions (not part of broadcast/communication/recording)	"may not be used in a way which would prejudice the legitimate interests of the author/right holders without good reason or which would conflict with the normal exploitation of the work" <sup>3975</sup>
Subject to Attribution	title, author (in customary manner)
Subject to Remuneration	not required ("It is free")

Provision	Art. 80.2 para. 7 item 1
Scope of broadcast/communication/recording	communication to the public
Type(s) of source work(s)	intellectual and artistic works
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	public order, education and instruction, scientific research or news
Condition of broadcast/communication/recording	without aiming for profit
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	"may not prejudice the legitimate interests of the right holders without good reason or conflict with the normal exploitation of the work" <sup>3976</sup>
Subject to Attribution	
Subject to Remuneration	not required ("written permission ... shall not be necessary")

#### 8. Compulsory Licences for Educational Reproductions and Translations

#### 9. TPM/RMI Exceptions for Educational Purposes

<sup>3971</sup> Art. 80.2 para. 7 item 4 (applying exceptions in Arts. 30, 32, 34, 35, 43, 46 and 47 to neighboring rights).

<sup>3972</sup> Art. 2.1 para. 3.

<sup>3973</sup> Art. 4.1 para 1.

<sup>3974</sup> Art. 4.1 para 5.

<sup>3975</sup> Art. 34, Art. 80.2 para. 7 item 4.

<sup>3976</sup> Art. 80.2 para. 8.



## Turkmenistan

### 1. Treaties & Legislation

Treaties:

Berne Convention: May 29, 2016 (Paris Act (1971): May 29, 2016)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law of Turkmenistan No. 257-IV of January 10, 2012, on Copyright and Related Rights

### 2. Private/Personal Use

Provision	Art. 18
Scope of private/personal use	reproduce
Type(s) of source work(s)	a work lawfully made available to the public, an audiovisual work, a phonogram, a videogram
Entity exercising private/personal use	a physical person
Purpose of private/personal use	exclusively for personal purposes
Condition of private/personal use	(without profit-making purposes) <sup>3977</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture in the form of buildings and analogous structures, reprographic reproduction of whole books, sheet music and originals of artistic works, whole or significant part of databases, computer programs <sup>3978</sup>
Subject to Attribution	
Subject to Remuneration	audiovisual works, phonograms, videograms: remuneration payable by manufacturers and importers of equipment (audio and/or video recorders and other devices) and material carriers (audio and/or video cassettes, compact discs and other material carriers) designed for such reproduction <sup>3979</sup> to CMOs to be distributed to authors, performers and producers of phonograms and videograms <sup>3980</sup>

Provision	Art. 35.3
Scope of private/personal use	use and playback
Type(s) of source work(s)	a performance, broadcast and recordings thereof <sup>3981</sup>
Entity exercising private/personal use	a physical person

<sup>3977</sup> Art. 18.3.

<sup>3978</sup> Art. 21 (excepting use of the computer program and for backup/archival/interoperability purposes).

<sup>3979</sup> Art. 18.4 (excepting equipment and material carriers which are exported, are professional equipment not intended for domestic use, or imported by physical persons for exclusively personal purposes)

<sup>3980</sup> Art. 18.3 (providing that the remuneration be distributed subject to agreement between the parties; and also providing for the distribution in the following shares: authors (40%), performers (30%) and producers of phonograms and videograms (30%).)

<sup>3981</sup> Art. 35.1.

Purpose of private/personal use	for personal purposes
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	such uses do not unreasonably prejudice the normal exploitation of performances, phonograms and videograms, broadcasting organization and their records, as well as included in the these works of literature, science and art, and do not unreasonably prejudice the legitimate interests of performers, producers of phonograms and videograms, broadcasting organizations and authors of the works <sup>3982</sup>
Subject to Attribution	
Subject to Remuneration	audiovisual works, phonograms, videograms: remuneration payable by the manufacturers and importers of equipment (audio and/or video recorders and other devices) and material carriers (audio and/or video cassettes, compact discs and other material carriers) designed for such reproduction <sup>3983</sup> to CMOs to be distributed to authors, performers and producers of phonograms and videograms <sup>3984</sup>

### 3. Quotations

Provision	Art. 19.1(1)
Scope of quotation	quotation, in the original language or in translation
Type(s) of source work(s)	lawfully published works, including reproduction of extracts from newspaper and magazine articles in press reviews, (performances, sound and video recordings, broadcasts) <sup>3985</sup>
Entity exercising quotation	
Purpose of quotation	for research, polemic, critical and informational purposes
Condition of quotation	to the extent justified by the purpose of the quotation
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

Provision	Art. 35.2(1)
Scope of quotation	quotation, in the form of short extracts

<sup>3982</sup> Art. 35.1.

<sup>3983</sup> Art. 18.4 (excepting equipment and material carriers which are exported, are professional equipment not intended for domestic use, or imported by physical persons for exclusively personal purposes)

<sup>3984</sup> Art. 18.3 (providing that the remuneration be distributed subject to agreement between the parties; and also providing for the distribution in the following shares: authors (40%), performers (30%) and producers of phonograms and videograms (30%).)

<sup>3985</sup> Art. 35.2(4).

Type(s) of source work(s)	the performance, the phonogram, the videogram or the broadcast of the broadcasting organizations
Entity exercising quotation	
Purpose of quotation	quotation is for scientific, research, polemic, critical or informational purposes
Condition of quotation	to the extent justified by the purpose of the quotation
Preclusions (not part of quotation)	such limitations do not unreasonably prejudice the normal exploitation of performances, phonograms and videograms, broadcasting organization and their records, as well as included in the these works of literature, science and art, and do not unreasonably prejudice the legitimate interests of performers, producers of phonograms and videograms, broadcasting organizations and authors of the works <sup>3986</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

#### 4. Research/Educational Reproduction

Provision	Art. 20.1(3)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	isolated articles or small-volume works lawfully published in collections, newspapers or other periodical publications, or of short extracts from lawfully published written works (with the exception of computer programs), (performances, sound and video recordings, broadcasts) <sup>3987</sup>
Entity exercising reproduction	educational establishment
Purpose of educational reproduction	classroom use
Condition of reproduction	without profit-making purpose  reprographic reproduction only allowed in absence of a licence for such reprographic reproduction granted by a CMO, whose availability the educational institution knows or would have to know under the circumstances <sup>3988</sup>
Frequency/copies and limits	in a single copy
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without the payment of remuneration")

<sup>3986</sup> Art. 31.1.

<sup>3987</sup> Art. 35.2(4) (unclear about its relevance to reprographic reproduction, but Art. 35.2(4) allows this limitation to be read to include performances, sound and video recordings and broadcasts).

<sup>3988</sup> Art. 20.2.

5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 19.1(2)
Scope of anthologies/compilations limitation/exception	use in publications
Type(s) of source work(s)	short excerpts of works lawfully made available to the public, (performances, sound and video recordings, broadcasts) <sup>3989</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	as illustrations, in works of an educational nature
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	in an amount justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	Art. 19.1(2)
Scope of broadcast/communication/recording	use of short excerpts, in radio and television broadcasts, and sound and video recordings
Type(s) of source work(s)	works lawfully made available to the public, (performances, sound and video recordings, broadcasts) <sup>3990</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	as illustrations, in works of an educational nature
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	in an amount justified by the purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

<sup>3989</sup> Art. 35.2(4).<sup>3990</sup> Art. 35.2(4).

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Tuvalu

### 1. Treaties & Legislation

Treaties:

Berne Convention: June 2, 2017 (Paris Act (1971): June 2, 2017)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright Ordinance (Chapter 60) (adopting the application of parts of UK Copyright Act 1956 (4 & 5 Eliz. 2, Cap. 74)<sup>3991</sup>, but excluding s 22<sup>3992</sup>)

### 2. Private/Personal Use

Provision	ss 6(1), 9(1)
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a literary, dramatic or musical work, (or its adaptation) <sup>3993</sup> , an artistic work
Entity exercising private/personal use	
Purpose of private/personal use	research or private study
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall constitute an infringement of the copyright")

### 3. Quotations

Provision	ss 6(2), 9(2)
Scope of quotation	fair dealing
Type(s) of source work(s)	a literary, dramatic or musical work, (or its adaptation) <sup>3994</sup> or an artistic work
Entity exercising quotation	
Purpose of quotation	purposes of criticism or review, whether of that work or of another work

<sup>3991</sup> s 15, Western Pacific (Courts) Order in Council, 1961 states that "statutes of general application in force in England on the 1st day of January, 1961 ... shall be in force [but] so far only as the circumstances of any particular territory and its inhabitants and the limits of Her Majesty's jurisdiction permit and subject to such qualifications as local circumstances render necessary". This rendered applicable in Tuvalu the U.K. Copyright Act 1956. Section 2(2) of Schedule 5 of the Constitution of Tuvalu provides that existing laws and Acts of the Parliament of the U.K. or Order of Her Majesty in Council, having effect as part of the law of Tuvalu immediately before independence day, shall continue in force and be construed with such conforming modifications. With the enactment of the Tuvalu Copyright Ordinance (Chapter 60, Revised Edition 1978), which came into force on 13 June 1917, the U.K. Copyright Act 1956, which continues to apply in Kiribati, will be construed with the Tuvalu Copyright Ordinance.

<sup>3992</sup> S 5, Copyright Ordinance (Cap 16) (stating that s 22, U.K. Copyright Act 1956 does not apply as the law of Kiribati).

<sup>3993</sup> S 6(8).

<sup>3994</sup> S 6(8).

Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	title (or other description), author (unless anonymous or author has agreed otherwise) <sup>3995</sup>
Subject to Remuneration	not required ("shall constitute an infringement of the copyright")

#### 4. Research/Educational Reproduction

Provision	s 41(1)(a)
Scope of research/educational reproduction	reproduction (otherwise than by the use of a "duplicating process" <sup>3996</sup> ) or making of an adaptation
Type(s) of source work(s)	a literary, dramatic, musical or artistic work
Entity exercising reproduction	by a teacher or pupil
Purpose of educational reproduction	in the course of instruction, whether at a school <sup>3997</sup> or elsewhere
Condition of reproduction	reproduction or adaptation shall not be published <sup>3998</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright shall not be taken to be infringed")

Provision	s 41(1)(b)
Scope of research/educational reproduction	reproduction (otherwise than by the use of a duplicating process) or making of an adaptation
Type(s) of source work(s)	a literary, dramatic, musical or artistic work
Entity exercising reproduction	
Purpose of educational reproduction	as part of the questions to be answered in an examination, or in an answer to such a question
Condition of reproduction	reproduction or adaptation shall not be published <sup>3999</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("copyright shall not be taken to be infringed")

<sup>3995</sup> Ss 6(10), 48(1) (defining "sufficient acknowledgment").

<sup>3996</sup> S 41(7) (defining "duplicating process" as any process involving the use of an appliance for producing multiple copies).

<sup>3997</sup> S 41(7) (defining "school" as an entity with the same meaning at that in the Education Act 1944, the Education (Scotland) Act, 1946 and the Education Act (Northern Ireland), 1947 in relation to England and Wales, Scotland and Northern Ireland, but presumably meaning that which is so defined in the laws of Guyana).

<sup>3998</sup> S 41(2).

<sup>3999</sup> S 41(2).

**5. Educational Publications/Anthologies/Compilations/Composite Works**

Provision	s 6(6)
Scope of anthologies/compilations limitation/exception	inclusion in a collection
Type(s) of source work(s)	a short passage of a published literary or dramatic work, (or its adaptation) <sup>4000</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for use of schools
Condition of anthologies/compilations limitation/exception	collection is so described in its title and in any publisher's advertisement  [source] work was not published for use of schools  collection consists mainly of material in which no copyright subsists
Frequency/copies and limits	not applicable if, in addition to passage in question, 2 or more excerpts from works by same author <sup>4001</sup> are contained in that collection, or that collection with every similar collection by same publisher within 5 year period <sup>4002</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title (or other description), author (unless anonymous or author has agreed otherwise) <sup>4003</sup>
Subject to Remuneration	not required ("copyright ... is not infringed")

**6. School Performances**

Provision	s 12(7)
Scope of school performance	causing to be heard in public
Type(s) of source work(s)	a sound recording
Entity exercising school performance	a club, society or other organization not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare
Purpose of school performance	as part of the activities of, or for the benefit of
Condition of school performance	proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organization
Preclusions (not part of school performance)	

<sup>4000</sup> S 6(8).<sup>4001</sup> S 6(6) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion).<sup>4002</sup> S 6(6).<sup>4003</sup> Ss 6(10), 48(1) (defining "sufficient acknowledgment").



Subject to Attribution	
Subject to Remuneration	not required ("shall not constitute an infringement of the copyright")

Provision	s 41(3), (5)
Scope of school performance	performance [of a work] causing to be heard or seen, the sounds or visual images [of a sound recording, cinematograph film, a television broadcast]
Type(s) of source work(s)	a literary, dramatic or musical work a sound recording, cinematograph film, a television broadcast
Entity exercising school performance	by a person who is a teacher in, or a pupil in attendance at, the school <sup>4004</sup>
Purpose of school performance	in the course of the activities of a school
Condition of school performance	performance in class, or otherwise in the presence of an audience  audience is limited to persons who are teachers in, or pupils in attendance at, the school, or are otherwise "directly connected" <sup>4005</sup> with the activities of the school
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("performance shall not be taken for the purposes of this Act to be a performance in public")

7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

<sup>4004</sup> S 41(7) (defining "school" as an entity with the same meaning at that in the Education Act 1944, the Education (Scotland) Act, 1946 and the Education Act (Northern Ireland), 1947 in relation to England and Wales, Scotland and Northern Ireland, but presumably meaning that which is so defined in the laws of Guyana).

<sup>4005</sup> S 41(4) (defining "directly connected" as excluding a person who is connected by reason only that he is a parent or guardian of a pupil in attendance at the school).

## Uganda

### 1. Treaties & Legislation

Treaties:

Berne Convention: not a party

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

The Copyright and Neighbouring Rights Act, 2006

### 2. Private/Personal Use

Provision	s 15(1)(a)
Scope of private/personal use	fair use, by way of production, translation, adaptation, arrangement or other transformation
Type(s) of source work(s)	a protected work, in its original language or in a translation, (a performance, sound recording, audiovisual fixation, broadcast, programme carrying signals) <sup>4006</sup>
Entity exercising private/personal use	
Purpose of private/personal use	private personal use
Condition of private/personal use	to determine if use is fair use, following factors shall be considered: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the protected work; (c) the amount and substantially of the portion used in relation to the protected work as a whole; (d) the effect of the use upon the potential market for or value of the protected work <sup>4007</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall not be an infringement ... shall not require the consent of the owner")

### 3. Quotations

Provision	s 15(1)(b)
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<sup>4006</sup> S 34(a) (limiting various enumerated neighbouring rights, as regards the "private use" of the neighbouring rights subject-matter).

<sup>4007</sup> S 15(2) (also providing, in s 15(3), that the fact that a piece of work is not published shall not of itself prejudice the requirement of fair use).

Scope of quotation	fair use, by way of quotation, including a quotation from a newspaper or periodical in the form of press summary, used in another work,
Type(s) of source work(s)	a published work in its original language or in a translation
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose  to determine if use is fair use, following factors shall be considered: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the protected work; (c) the amount and substantially of the portion used in relation to the protected work as a whole; (d) the effect of the use upon the potential market for or value of the protected work <sup>4008</sup>
Preclusions (not part of quotation)	
Subject to Attribution	source
Subject to Remuneration	not required ("shall not be an infringement ... shall not require the consent of the owner")

Provision	s 34(d)
Scope of quotation	quotation
Type(s) of source work(s)	short excerpts of a performance, sound recording, audio-visual fixation or fixation or broadcast
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotations are compatible with fair practice  quotations are justified by the informative purpose of the quotations
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

#### 4. Research/Educational Reproduction

Provision	s 15(1)(j)
Scope of research/educational reproduction	fair use, by way of reproduction, and copies made

<sup>4008</sup> S 15(2) (also providing, in s 15(3), that the fact that a piece of work is not published shall not of itself prejudice the requirement of fair use).

Type(s) of source work(s)	a literary, artistic or scientific work, in its original language or in a translation
Entity exercising reproduction	a public library, a non-commercial documentation centre, a scientific institution or an educational institute
Purpose of educational reproduction	
Condition of reproduction	to determine if use is fair use, following factors shall be considered: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the protected work; (c) the amount and substantially of the portion used in relation to the protected work as a whole; (d) the effect of the use upon the potential market for or value of the protected work <sup>4009</sup>
Frequency/copies and limits	subject to conditions prescribed by Minister
Preclusions (not part of research/educational reproduction)	reproduction and copies do not conflict with the normal exploitation of the work reproduced  reproduction and copies do not unreasonably affect the right of the author in the work
Subject to Attribution	
Subject to Remuneration	unclear ("shall not be an infringement ... shall not require the consent of the owner"/"subject to conditions prescribed by Minister")
Provision	s 34(c)
Scope of research/educational reproduction	acts/[use]
Type(s) of source work(s)	a performance, sound recording, audiovisual fixation, programme carrying signals, broadcast
Entity exercising reproduction	
Purpose of educational reproduction	teaching science
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 15(1)(c)
Scope of anthologies/compilations limitation/exception	fair use, by way of illustration in a publication
Type(s) of source work(s)	a published work, in its original language or in a translation

<sup>4009</sup> S 15(2) (also providing, in s 15(3), that the fact that a piece of work is not published shall not of itself prejudice the requirement of fair use).

Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for teaching purpose
Condition of anthologies/compilations limitation/exception	use is compatible with fair practice  to determine if use is fair use, following factors shall be considered: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the protected work; (c) the amount and substantially of the portion used in relation to the protected work as a whole; (d) the effect of the use upon the potential market for or value of the protected work <sup>4010</sup>
Frequency/copies and limits	to the extent justified for the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	title, author
Subject to Remuneration	not required ("shall not be an infringement ... shall not require the consent of the owner")

6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	s 15(1)(c)
Scope of broadcast/communication/recording	fair use, by way of illustration in broadcast or sound or visual recording
Type(s) of source work(s)	a published work, in its original language or in a translation
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for teaching purpose
Condition of broadcast/communication/recording	use is compatible with fair practice  to determine if use is fair use, following factors shall be considered: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the protected work; (c) the amount and substantially of the portion used in relation to the protected work as a whole;

<sup>4010</sup> S 15(2) (also providing, in s 15(3), that the fact that a piece of work is not published shall not of itself prejudice the requirement of fair use).

	(d) the effect of the use upon the potential market for or value of the protected work <sup>4011</sup>
Frequency/limits of broadcast/communication/recording	to the extent justified for the purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	title, author
Subject to Remuneration	not required ("shall not be an infringement ... shall not require the consent of the owner")
Provision	s 15(1)(d)
Scope of broadcast/communication/recording	fair use, by way of communication to the public
Type(s) of source work(s)	a protected work, in its original language or in a translation
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for teaching purposes for schools, colleges, universities or other educational institution or for professional training or public education
Condition of broadcast/communication/recording	use is compatible with fair practice  to determine if use is fair use, following factors shall be considered: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the protected work; (c) the amount and substantially of the portion used in relation to the protected work as a whole; (d) the effect of the use upon the potential market for or value of the protected work <sup>4012</sup>
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	title, author
Subject to Remuneration	not required ("shall not be an infringement ... shall not require the consent of the owner")
Provision	s 34(c)
Scope of broadcast/communication/recording	acts/[use]
Type(s) of source work(s)	a performance, sound recording, audiovisual fixation, programme carrying signals, broadcast
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	teaching science

<sup>4011</sup> S 15(2) (also providing, in s 15(3), that the fact that a piece of work is not published shall not of itself prejudice the requirement of fair use).

<sup>4012</sup> S 15(2) (also providing, in s 15(3), that the fact that a piece of work is not published shall not of itself prejudice the requirement of fair use).

Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] shall not apply")

#### 8. Compulsory Licences for Educational Reproductions and Translations

Provision	s 17(1)(a)
Nature of compulsory licence for translation for educational purposes	non-exclusive, <sup>4013</sup> non-transferable <sup>4014</sup> compulsory licence, for making and publishing a translation into English, Swahili or any Ugandan language, and publication of such translation in copies in Uganda <sup>4015</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>4016</sup> digital dissemination <sup>4017</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	a work
Licence applicant/entity	a citizen of Uganda or is ordinarily resident in Uganda
Purpose of licence	purpose of teaching, scholarship or research <sup>4018</sup>
Condition of licence	licence application may be made: 1 year from first publication <sup>4019</sup>  work has not been previously translated into the language in the licence application and published by the owner of the right of translation, or if translation has been so published, all previous editions in that language are out of print <sup>4020</sup>  licence applicant has requested and been denied authorisation by owner of right of translation, or was unable to find owner after due diligence, despite sending request to

<sup>4013</sup> S 18(1)(a).

<sup>4014</sup> S 18(1)(d).

<sup>4015</sup> S 18(1)(e).

<sup>4016</sup> S 2 (defining "publication" as "the lawful reproduction of a work or of an audio-visual or audio visual sound recording, fixation or of sound recording for availability to the public; and includes public performances and making available of a work on the internet", and defining "reproduction" as "the making of one or more copies of a work or sound recording in any manner or form including any permanent or temporary storage of the work or sound recording in electronic form").

<sup>4017</sup> S 2 (defining "publication" as including the "making available right"). *Id.*

<sup>4018</sup> S 18(1)(b).

<sup>4019</sup> S 17(2).

<sup>4020</sup> S 18(2)(a).

	<p>publisher or to any designated national or international information centre<sup>4021</sup></p> <p>licence terminated if copies of an edition of the translated work are distributed to the general public in Uganda<sup>4022</sup></p> <p>author has not withdrawn from circulation copies of the work<sup>4023</sup></p> <p><u>published translation of the work is correct<sup>4024</sup></u></p> <p>on all copies of the published translation are printed: the name of author and original title,<sup>4025</sup> a notice in the language of the translation stating that the copy is available for distribution only in Uganda,<sup>4026</sup> a reprint of the original copyright notice<sup>4027</sup></p> <p>subject to licensee's sale of existing copies, licence terminated if translation right owner has published or authorised the publishing of translated work, at a reasonable price in Uganda<sup>4028</sup></p>
Compulsory licence fee(s)	beneficiary of compulsory licence to pay just compensation to owner of right/owner's agent/Registrar, consistent with normally payable standards of royalties <sup>4029</sup>
Price of publication	
Distribution conditions	copies of translated work may not be exported <sup>4030</sup>
Grantor of compulsory licence	Minister
Provision	s 17(1)(b)
Nature of compulsory licence for reproduction for educational purposes	non-exclusive, <sup>4031</sup> non-transferable <sup>4032</sup> compulsory licence, for reproduction and publication in a material form the work reproduced <sup>4033</sup> in Uganda <sup>4034</sup>

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<sup>4021</sup> S 18(2)(c)-(e).

<sup>4022</sup> S 18(3)(a).

<sup>4023</sup> S 17(3).

<sup>4024</sup> S 17(6).

<sup>4025</sup> S 17(6)(a).

<sup>4026</sup> S 17(6)(b).

<sup>4027</sup> S 17(6)(c).

<sup>4028</sup> S 18(3)(b).

<sup>4029</sup> S 17(5).

<sup>4030</sup> S 18(1)(e).

<sup>4031</sup> S 18(1)(b).

<sup>4032</sup> S 18(1)(d).

<sup>4033</sup> S 17(1)(b).

<sup>4034</sup> S 17(6)(b).



Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>4035</sup> digital dissemination <sup>4036</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	
Licence applicant/entity	a citizen of Uganda or is ordinarily resident in Uganda <sup>4037</sup>
Purpose of licence	purpose of teaching, scholarship or research <sup>4038</sup>
Condition of licence	<p>licence application may be made:  3 years from first publication (for work of technology or natural or physical science, including mathematics)  5 years from first publication (for music or any other related work)  7 years from first publication (for work of fiction, poetry, drama or for a book of art)  7 years from first publication (for an audiovisual fixation)<sup>4039</sup></p> <p>copies of the particular edition authorised by the owner of the reproduction have not been sold or distributed in Uganda to the public or in connection with systematic instructional activities, or there has been no sale/distribution during the immediately preceding 6 months<sup>4040</sup></p> <p>licence applicant has requested and been denied authorisation by owner of right of reproduction, or was unable to find owner after due diligence, despite sending request to publisher or to any designated national or international information centre<sup>4041</sup></p> <p>licence terminated if copies of an edition of the reproduced work are distributed to the general public in Uganda<sup>4042</sup></p> <p>published reproduction of the work is correct<sup>4043</sup></p>

<sup>4035</sup> S 2 (defining "publication" as "the lawful reproduction of a work or of an audio-visual or audio visual sound recording, fixation or of sound recording for availability to the public; and includes public performances and making available of a work on the internet", and defining "reproduction" as "the making of one or more copies of a work or sound recording in any manner or form including any permanent or temporary storage of the work or sound recording in electronic form").

<sup>4036</sup> S 2 (defining "publication" as including the "making available right"). *Id.*

<sup>4037</sup> S 17(1).

<sup>4038</sup> S 18(1)(b).

<sup>4039</sup> S 17(4).

<sup>4040</sup> S 18(2)(b).

<sup>4041</sup> S 18(2)(c)-(e).

<sup>4042</sup> S 18(3)(a).

<sup>4043</sup> S 17(6).

	on all copies of the published reproduction are printed: the name of author and original title, <sup>4044</sup> a notice in the language of the reproduction stating that the copy is available for distribution only in Uganda, <sup>4045</sup> a reprint of the original copyright notice <sup>4046</sup>  subject to licensee's sale of existing copies, licence terminated if copies of the edition in the same language and substantially the same in content as the edition published under the licence have been distributed by reproduction right owner in Uganda in connection with systematic instructional activities, at a reasonable price <sup>4047</sup>
Compulsory licence fee(s)	beneficiary of compulsory licence to pay just compensation to owner of right/owner's agent/Registrar, consistent with normally payable standards of royalties <sup>4048</sup>
Price of publication	
Distribution conditions	copies of reproduced work may not be exported <sup>4049</sup>
Grantor of compulsory licence	Minister

Provision	s 19
Nature of compulsory licence for translation for educational purposes	non-exclusive, <sup>4050</sup> compulsory licence, for making a translation and lawful broadcasting for reception in Uganda <sup>4051</sup>
Scope of compulsory licence for digital copying and dissemination	no digital reproduction no digital publication <sup>4052</sup> probably no digital dissemination <sup>4053</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	published work or text of an audio-visual fixation <sup>4054</sup>
Licence applicant/entity	a broadcasting company <sup>4055</sup>
Purpose of licence	

<sup>4044</sup> S 17(6)(a).

<sup>4045</sup> S 17(6)(b).

<sup>4046</sup> S 17(6)(c).

<sup>4047</sup> S 18(3)(c).

<sup>4048</sup> S 17(5).

<sup>4049</sup> S 17(6)(b).

<sup>4050</sup> S 19(1).

<sup>4051</sup> S 19(1)(c).

<sup>4052</sup> S 19 eschewed the use of the term "reproduction" and "publication", in favour of the term "for broadcast" or "for dissemination". In addition, the term "dissemination" used in s 19(1)(b) is not an exclusive economic right as set out in s 9, and is further qualified by s 19(1)(c) which describes the dissemination as a "broadcast", and that it may not be used for any commercial purpose, as explained in s 19(3). As noted, s 2 defines "publication" as encompassing the "making available" right.

<sup>4053</sup> S 19 makes no reference to the exclusive right of communication to the public. See s 9. As noted above, s 19 also does not use the term "publication", which would have encompassed the "making available" right.

<sup>4054</sup> S 19(1).

<sup>4055</sup> S 19(1).

Condition of licence	translation is to be made from lawfully acquired copy, or for broadcast intended for teaching or for dissemination of the results of specialised technical or scientific research to experts in a particular profession by broadcast <sup>4056</sup>  translation may not be used for any commercial purpose <sup>4057</sup>
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	translations of audiovisual work or sound recording may only be exchanged between divisions/departments of broadcasting organisation <sup>4058</sup>
Grantor of compulsory licence	Minister

9. TPM/RMI Exceptions for Educational Purposes

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<sup>4056</sup> S 19(1)(a), (b).

<sup>4057</sup> S 19(3).

<sup>4058</sup> S 19(2).

## Ukraine

### 1. Treaties & Legislation

Treaties:

Berne Convention: October 25, 1995 (Paris Act (1971): October 25, 1995)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

Law of 23 December 1993 No. 3792-XII on Copyright and Related Rights (as amended up to 05.12.2012)

### 2. Private/Personal Use

Provision	Art. 25.1
Scope of private/personal use	reproduction
Type(s) of source work(s)	works previously promulgated in a lawful way
Entity exercising private/personal use	
Purpose of private/personal use	exclusively for personal purposes, including for members of a family
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture in the form of buildings and other structures, reprographic reproduction of books, sheet music and original works of fine art, computer program <sup>4059</sup> , works the performances of which have been fixed on phonograms or videograms, and the copies thereof  limitations of authors' proprietary rights only to be applied if they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the authors <sup>4060</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

Provision	Art. 25.2
Scope of private/personal use	reproduction
Type(s) of source work(s)	works and performances fixed on phonograms and videograms and on copies thereof
Entity exercising private/personal use	

<sup>4059</sup> Art. 24 (###excepting use of the computer program and for backup/archival purposes).

<sup>4060</sup> Art. 15.6.

Purpose of private/personal use	in domestic conditions and exclusively for personal purposes, including for members and close acquaintances of a family
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	use of objects of related rights shall not conflict with a normal use of performances, phonograms, videograms and broadcasts nor affect the legitimate interests of the performers, producers of phonograms and videograms and broadcasting organizations or other copyright and/or related rights holders <sup>4061</sup>
Subject to Attribution	
Subject to Remuneration	equitable remuneration to be paid by manufacturers and/or importers of equipment and material carriers, by means of the use of which it is possible to reproduce works fixed on phonograms and videograms, <sup>4062</sup> to specified CMOs, to be distributed between authors, performers and producers of phonograms and videograms <sup>4063</sup>
Provision	Art. 42.2
Scope of private/personal use	reproduction
Type(s) of source work(s)	works and performances fixed on phonograms and videograms and their specimens
Entity exercising private/personal use	
Purpose of private/personal use	in home conditions, exclusively for personal purposes
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	use of objects of related rights shall not conflict with a normal use of performances, phonograms, videograms and broadcasts nor affect the legitimate interests of the performers, producers of phonograms and videograms and broadcasting organizations or other copyright and/or related rights holders <sup>4064</sup>
Subject to Attribution	
Subject to Remuneration	equitable remuneration to be paid by manufacturers and/or importers of equipment and material media, by means of the use of which it is possible to reproduce works fixed on phonograms and videograms, <sup>4065</sup> to specified

<sup>4061</sup> Art. 42.3.

<sup>4062</sup> Art. 42.4 (excepting professional equipment and/or material carriers not desined for use for reproduction in domestic conditions, equipment and material carriers exported outside Ukraine and equipment and material carriers imported by physical persons into Ukraine exclusively for personal purposes and without a commercial purpose).

<sup>4063</sup> Art. 42.7 (providing that the distribution be authors (50%), performers (25%) and producers (25%), unless otherwise agreed in a contract between the CMOs concerned).

<sup>4064</sup> Art. 42.3.

<sup>4065</sup> Art. 42.4 (excepting professional equipment and/or material carriers not desined for use for reproduction in domestic conditions, equipment and material carriers exported outside Ukraine and equipment and material carriers imported by physical persons into Ukraine exclusively for personal purposes and without a commercial purpose).

	CMOs, to be distributed between authors, performers and manufacturers of phonograms and videograms <sup>4066</sup>
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### 3. Quotations

Provision	Art. 21(1)
Scope of quotation	use "quotations" <sup>4067</sup>
Type(s) of source work(s)	short excerpts from published works including quotations from newspaper and magazine articles in the form of press reviews, performances and works incorporated in a phonogram, a videogram or a broadcast
Entity exercising quotation	
Purpose of quotation	critical, polemic, scientific or informational for the work incorporating the quotations
Condition of quotation	
Preclusions (not part of quotation)	limitations of authors' proprietary rights only to be applied if they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the authors <sup>4068</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("without the consent of the author or other copyright holder")

Provision	Arts. 21(1), 42.1
Scope of quotation	use quotations
Type(s) of source work(s)	brief excerpts from performances, works incorporated in a phonogram, videogram, broadcast
Entity exercising quotation	
Purpose of quotation	critical, polemic, scientific or informational for the work incorporating the quotations "for teaching or scientific research" <sup>4069</sup>
Condition of quotation	no export of reproduced copies of phonograms, videograms and broadcasts outside Ukraine [probably not relevant to use of quotations] <sup>4070</sup>
Preclusions (not part of quotation)	use of objects of related rights shall not conflict with a normal use of performances, phonograms, videograms and broadcasts nor affect the legitimate interests of the performers, producers of phonograms and videograms and

<sup>4066</sup> Art. 42.7 (providing that the distribution be authors (50%), performers (25%) and producers (25%), unless otherwise agreed in a contract between the CMOs concerned).

<sup>4067</sup> Art. 1 (defining "quotation" as "quotation - a relatively brief excerpt from a literary, scientific or any other published work that is used, with a compulsory reference to its author and quotation sources, by another person in his work in order to make his statements more understandable or to refer to opinions of another author in the authentic wording.").

<sup>4068</sup> Art. 15.6.

<sup>4069</sup> Art. 42.1(a) (integrating Art. 42.1 into Art. 21, as a specific instance of the use of quotations).

<sup>4070</sup> Art. 42.1(b).

	broadcasting organizations or other copyright and/or related rights holders <sup>4071</sup>
Subject to Attribution	source, author <sup>4072</sup>
Subject to Remuneration	fair remuneration payable based on quantity of copies made to be received by related rights holders <sup>4073</sup>

#### 4. Research/Educational Reproduction

Provision	Art. 23(1)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	excerpts from published written works or audiovisual works
Entity exercising reproduction	
Purpose of educational reproduction	illustrations for teaching
Condition of reproduction	
Frequency/copies and limits	extent of the reproduction is consistent with said purpose
Preclusions (not part of research/educational reproduction)	limitations of authors' proprietary rights only to be applied if they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the authors <sup>4074</sup>
Subject to Attribution	
Subject to Remuneration	not required ("without the consent of the author or other copyright holder")

Provision	Art. 23(2)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	published articles and other small works and excerpts from written works, with or without illustrations
Entity exercising reproduction	educational institutions
Purpose of educational reproduction	classroom use
Condition of reproduction	
Frequency/copies and limits	reproduction of the work is a single act not of a systematic character  extent of the reproduction is consistent with said purpose
Preclusions (not part of research/educational reproduction)	limitations of authors' proprietary rights only to be applied if they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the authors <sup>4075</sup>

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<sup>4071</sup> Art. 42.3.

<sup>4072</sup> Art. 42.1 proviso.

<sup>4073</sup> Art. 42.1(c).

<sup>4074</sup> Art. 15.6.

<sup>4075</sup> Art. 15.6.

Subject to Attribution	
Subject to Remuneration	not required ("without the consent of the author or other copyright holder")

Provision	Arts. 23(1), 42.1
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	excerpts from performances, phonograms, videograms, broadcasts
Entity exercising reproduction	
Purpose of educational reproduction	"for teaching purposes or scientific research" <sup>4076</sup>
Condition of reproduction	
Frequency/copies and limits	no export of reproduced copies of phonograms, videograms and broadcasts outside Ukraine <sup>4077</sup>
Preclusions (not part of research/educational reproduction)	use of objects of related rights shall not conflict with a normal use of performances, phonograms, videograms and broadcasts nor affect the legitimate interests of the performers, producers of phonograms and videograms and broadcasting organizations or other copyright and/or related rights holders <sup>4078</sup>
Subject to Attribution	source, author <sup>4079</sup>
Subject to Remuneration	fair remuneration based on quantity of copies made to be received by related rights holder <sup>4080</sup>

Provision	Arts. 23(2), 42.1
Scope of research/educational reproduction	"reprographic reproduction" <sup>4081</sup>
Type(s) of source work(s)	performances, phonograms, videograms, broadcasts
Entity exercising reproduction	
Purpose of educational reproduction	"for teaching purposes or scientific research" <sup>4082</sup>
Condition of reproduction	
Frequency/copies and limits	no export of reproduced copies of phonograms, videograms and broadcasts outside Ukraine <sup>4083</sup>
Preclusions (not part of research/educational reproduction)	use of objects of related rights shall not conflict with a normal use of performances, phonograms, videograms and broadcasts nor affect the legitimate interests of the performers, producers of phonograms and videograms and

<sup>4076</sup> Art. 42.1(a) (integrating Art. 42.1 into Art. 21, as a specific instance of the use of quotations).

<sup>4077</sup> Art. 42.1(b).

<sup>4078</sup> Art. 42.3.

<sup>4079</sup> Art. 42.1 proviso.

<sup>4080</sup> Art. 42.1(c).

<sup>4081</sup> Unclear if performances, phonograms, videograms and broadcasts can be replicated by way of reprographic reproduction. [sic]

<sup>4082</sup> Art. 42.1(a) (integrating Art. 42.1 into Art. 21, as a specific instance of the use of quotations).

<sup>4083</sup> Art. 42.1(b).



	broadcasting organizations or other copyright and/or related rights holders <sup>4084</sup>
Subject to Attribution	source, author <sup>4085</sup>
Subject to Remuneration	fair remuneration based on quantity of copies made to be received by related rights holder <sup>4086</sup>

##### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 21(2)
Scope of anthologies/compilations limitation/exception	use as illustrations in publications
Type(s) of source work(s)	literary works and works of art
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	of an educational nature
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	to the extent justified by the intended purpose
Preclusions (not part of anthologies/compilations limitation/exception)	limitations of authors' proprietary rights only to be applied if they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the authors <sup>4087</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("without the consent of the author or other copyright holder")

Provision	Arts. 21(2), 42.1
Scope of anthologies/compilations limitation/exception	use as illustrations in publications
Type(s) of source work(s)	performances, phonograms, videograms, broadcasts
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	of an educational nature "for teaching or scientific research" <sup>4088</sup>
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	to the extent justified by the intended purpose
Preclusions (not part of anthologies/compilations limitation/exception)	no export of reproduced copies of phonograms, videograms and broadcasts outside Ukraine <sup>4089</sup>  use of objects of related rights shall not conflict with a normal use of performances,

<sup>4084</sup> Art. 42.3.

<sup>4085</sup> Art. 42.1 proviso.

<sup>4086</sup> Art. 42.1(c).

<sup>4087</sup> Art. 15.6.

<sup>4088</sup> Art. 42.1(a) (integrating Art. 42.1 into Art. 21, as a specific instance of the use of quotations).

<sup>4089</sup> Art. 42.1(b).

	phonograms, videograms and broadcasts nor affect the legitimate interests of the performers, producers of phonograms and videograms and broadcasting organizations or other copyright and/or related rights holders <sup>4090</sup>
Subject to Attribution	source, author <sup>4091</sup>
Subject to Remuneration	fair remuneration based on quantity of copies made to be received by related rights holder <sup>4092</sup>

6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	Art. 21(2)
Scope of broadcast/communication/recording	use as illustrations in broadcasts, sound or video recordings
Type(s) of source work(s)	literary works and works of art
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	of an educational nature
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	to the extent justified by the intended purpose
Preclusions (not part of broadcast/communication/recording)	limitations of authors' proprietary rights only to be applied if they do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the authors <sup>4093</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("without the consent of the author or other copyright holder")

Provision	Arts. 21(2), 42.1
Scope of broadcast/communication/recording	use as illustrations in broadcasts, sound or video recordings
Type(s) of source work(s)	performances, phonograms, videograms, broadcasts
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	of an educational nature "for teaching or scientific research" <sup>4094</sup>
Condition of broadcast/communication/recording	

<sup>4090</sup> Art. 42.3.<sup>4091</sup> Art. 42.1 proviso.<sup>4092</sup> Art. 42.1(c).<sup>4093</sup> Art. 15.6.<sup>4094</sup> Art. 42.1(a) (integrating Art. 42.1 into Art. 21, as a specific instance of the use of quotations).

Frequency/limits of broadcast/communication/recording	to the extent justified by the intended purpose no export of reproduced copies of phonograms, videograms and broadcasts outside Ukraine <sup>4095</sup>
Preclusions (not part of broadcast/communication/recording)	use of objects of related rights shall not conflict with a normal use of performances, phonograms, videograms and broadcasts nor affect the legitimate interests of the performers, producers of phonograms and videograms and broadcasting organizations or other copyright and/or related rights holders <sup>4096</sup>
Subject to Attribution	source, author <sup>4097</sup>
Subject to Remuneration	fair remuneration based on quantity of copies made to be received by related rights holder <sup>4098</sup>

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes


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<sup>4095</sup> Art. 42.1(b).

<sup>4096</sup> Art. 42.3.

<sup>4097</sup> Art. 42.1 proviso.

<sup>4098</sup> Art. 42.1(c).

## United Arab Emirates

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 14, 2004 (Paris Act (1971): July 14, 2004)

WIPO Copyright Treaty: July 14, 2004

WIPO Performances and Phonograms Treaty: June 9, 2005

Legislation:

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

### 2. Private/Personal Use

Provision	Art. 22.1
Scope of private/personal use	make a copy
Type(s) of source work(s)	a published work, (a performance, phonogram, broadcast) <sup>4099</sup>
Entity exercising private/personal use	
Purpose of private/personal use	merely personal and non-commercial or professional but personal use of the copier
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	works of architecture and works of fine and applied arts (unless they are permanently present in public places), <sup>4100</sup> computer programs <sup>4101</sup>
Subject to Attribution	
Subject to Remuneration	not required ("Without prejudice to literary rights of the author")
Provision	Art. 22.6
Scope of private/personal use	performing
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast) <sup>4102</sup>
Entity exercising private/personal use	
Purpose of private/personal use	in family meetings
Condition of private/personal use	no direct or indirect remuneration
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("Without prejudice to literary rights of the author")

<sup>4099</sup> Art. 24 (applying restrictions on the economic rights of the author to neighbouring rights).

<sup>4100</sup> Art. 22.7 (excepting use of works of architecture located in public places).

<sup>4101</sup> Art. 22.2 (excepting use of the computer program and for backup/archival purposes).

<sup>4102</sup> Art. 24 (applying restrictions on the economic rights of the author to neighbouring rights).

3. Quotations

Provision	Art. 22.5
Scope of quotation	quotation
Type(s) of source work(s)	short paragraphs, derivation or reasonable analysis of the work, (a performance, phonogram, broadcast) <sup>4103</sup>
Entity exercising quotation	
Purpose of quotation	criticism, discussion, or information
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("Without prejudice to literary rights of the author")

4. Research/Educational Reproduction

Provision	Art. 22.8
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	written, sound or audio-visual short excerpts of works, (performances, phonograms, broadcasts) <sup>4104</sup>
Entity exercising reproduction	
Purpose of educational reproduction	cultural, religious, educational or vocational training purposes
Condition of reproduction	copying authority does not aim at direct or indirect profit  license for copying was unobtainable in accordance with the provisions of this law
Frequency/copies and limits	copying be in the reasonable limits of its purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	title, author (if feasible)
Subject to Remuneration	not required ("Without prejudice to literary rights of the author")

5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances

Provision	Art. 22.6
Scope of school performance	performing
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast) <sup>4105</sup>
Entity exercising school performance	students
Purpose of school performance	in an educational institution
Condition of school performance	no direct or indirect remuneration

<sup>4103</sup> Art. 24 (applying restrictions on the economic rights of the author to neighbouring rights).<sup>4104</sup> Art. 24 (applying restrictions on the economic rights of the author to neighbouring rights).<sup>4105</sup> Art. 24 (applying restrictions on the economic rights of the author to neighbouring rights).

Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("Without prejudice to literary rights of the author")

7. Educational Broadcasts/Communications/Recordings

8. Compulsory Licences for Educational Reproductions and Translations

Provision	Art. 21
Nature of compulsory licence for translation for educational purposes	compulsory licence, for translation (and optionally, copying)
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>4106</sup> no digital dissemination <sup>4107</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration renewed and effective until Oct 10, 2024
Type(s) of source work(s)	a protected work
Licence applicant/entity	any person
Purpose of licence	exclusively to meet the needs of education in all its types, levels and to the needs of public libraries and archives
Condition of licence	licence application may be made: 3 years from first publication  licence application to be supported with reasons to determine the time and place of exploitation  licence granted to effect ordinary exploitation of the work
Compulsory licence fee(s)	beneficiary of compulsory licence to pay fair reward to author; licence granted to secure non-occurrence of unjustifiable damage to the legitimate interests of the author or his successors in title; council of ministers to issue a decision specifying the fees to be charged
Price of publication	
Distribution conditions	
Grantor of compulsory licence	ministry

Provision	Art. 21
Nature of compulsory licence for reproduction for educational purposes	compulsory licence, for copying

<sup>4106</sup> Art. 1 (defining "reproduction" as the "making [of] a copy or more of a work, phonogram, broadcasting programme or any performance in any shape including permanent or temporary electronic storing, irrespective of the mode used in reproduction", and defining "publication" as "[a]vailability of the work, the phonogram, the broadcasting programme or any performance to the public, irrespective of the used mode").

<sup>4107</sup> No reference in Art. 21 to the right of "public communication". See Art. 1 (defining "public communication" as "Wire or wireless transmission of a work, sound recording performance, broadcasting programme, that can be received through transmission only by others who are not family members or intimate friends, in any place other than the place from which the transmission is made, irrespective of the place, the time of receiving and the medium").

Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>4108</sup> no digital dissemination <sup>4109</sup>
Facilities provided in Paris Act, Appendix	Art. I declaration renewed and effective until Oct 10, 2024
Type(s) of source work(s)	a protected work
Licence applicant/entity	any person
Purpose of licence	exclusively to meet the needs of education in all its types, levels and to the needs of public libraries and archives
Condition of licence	licence application to be supported with reasons to determine the time and place of exploitation  licence granted to effect ordinary exploitation of the work
Compulsory licence fee(s)	beneficiary of compulsory licence to pay fair reward to author; licence granted to secure non-occurrence of unjustifiable damage to the legitimate interests of the author or his successors in title; council of ministers to issue a decision specifying the fees to be charged
Price of publication	
Distribution conditions	
Grantor of compulsory licence	ministry

## 9. TPM/RMI Exceptions for Educational Purposes

<sup>4108</sup> Art. 1 (defining "reproduction" as the "making [of] a copy or more of a work, phonogram, broadcasting programme or any performance in any shape including permanent or temporary electronic storing, irrespective of the mode used in reproduction", and defining "publication" as "[a]vailability of the work, the phonogram, the broadcasting programme or any performance to the public, irrespective of the used mode").

<sup>4109</sup> No reference in Art. 21 to the right of "public communication". See Art. 1 (defining "public communication" as "Wire or wireless transmission of a work, sound recording performance, broadcasting programme, that can be received through transmission only by others who are not family members or intimate friends, in any place other than the place from which the transmission is made, irrespective of the place, the time of receiving and the medium").

## United Kingdom

### 1. Treaties & Legislation

Treaties:

Berne Convention: December 5, 1887 (Paris Act (1971): January 2, 1990)

WIPO Copyright Treaty: March 14, 2010

WIPO Performances and Phonograms Treaty: March 14, 2010

Legislation:

Copyright, Designs and Patents Act 1988 (c. 48), revised and updated as of (as of Jul. 29, 2017)

### 2. Private/Personal Use

Provision	*s 28B; Schedule 2, para. 1B <sup>4110</sup>
Scope of private/personal use	making a copy ("personal copy") <sup>4111</sup>
Type(s) of source work(s)	a work <sup>4112</sup> , (an adaptation of a literary, dramatic or musical work), <sup>4113</sup> a recording of a performance <sup>4114</sup>
Entity exercising private/personal use	an individual
Purpose of private/personal use	for individual's "private use" <sup>4115</sup>
Condition of private/personal use	work/recording is "individual's own copy" <sup>4116</sup> , or a "personal copy" <sup>4117</sup> of the work/recording made by the individual <sup>4118</sup>  copy is made for ends which are neither directly or indirectly commercial <sup>4119</sup>  to the extent that a term of a contract purports to prevent or restrict the making of a copy which,

<sup>4110</sup> Provisions and the Copyright and Rights in Performance (Personal Copies for Private Use) Regulations 2014 (SI 2014/2361) ("the Regulations") made on 26 August 2014 and coming into force on 1 October 2014 have been quashed *ex nunc*. See British Academy of Songwriters, Composers and Authors v. Secretart of State for Business, Innovation and Skills [2015] EWHC 2014 (Admin).

<sup>4111</sup> S 28B(3).

<sup>4112</sup> S 1(1), (2) (defining a work as an original literary, dramatic, musical or artistic work, sound recording, film or broadcast, the typographical arrangement of a published edition).

<sup>4113</sup> S 76.

<sup>4114</sup> Schedule 2, para. 1B.

<sup>4115</sup> S 28B(1)(b), S 28B(5), Schedule 2, para. 1B(5) (defining "private use" as private use facilitated by making of a copy as a backup copy, for format shifting, or for purposes of storage, including in an electronic storage area accessed by means of the Internet or similar means accessible only by the individual and the person responsible for the storage area).

<sup>4116</sup> S 28B(2), Schedule 2, para. 1B(2) (defining "individual's own copy" as a copy which has been lawfully acquired by individual on a permanent basis, is not an infringing copy, and has not been made under any provision of Chapter III or Schedule 2 which permits the making of a copy without infringing copyright/rights). s 28B(4) (defining copy "lawfully acquired on a permanent basis" as including a copy which has been purchased, obtained by way of a gift, or acquired by means of a download resulting from a purchase or gift, and does not include a copy which has been borrowed, rented, broadcast, or streamed, or a copy obtained by means of a download enabling no more than temporary access to the copy).

<sup>4117</sup> S 28B(3), Schedule 2, para. 1B(3) (defining "personal copy" as copy made under s 28B or para. 1B).

<sup>4118</sup> S 28B(1)(a), Schedule 2, para. 1B(1)(a).

<sup>4119</sup> S 28B(1)(c), Schedule 2, para. 1B(1)(c).



	by virtue of this provision, would not infringe copyright/any rights, that term is unenforceable <sup>4120</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	computer program  transfer of "personal copy" of work/recording <sup>4121</sup> or source work/recording while retaining "personal copy", <sup>4122</sup> to another person (otherwise than on a private and temporary basis), except where transfer/retention is authorized/licensed by copyright owner
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")
Provision	s 29(1); Schedule 2, para. 1C(1)
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a work <sup>4123</sup> , (an adaptation of a literary, dramatic or musical work), <sup>4124</sup> a performance or a recording of a performance <sup>4125</sup>
Entity exercising private/personal use	
Purpose of private/personal use	research for a non-commercial purpose
Condition of private/personal use	to the extent that a term of any contract purports to prevent or restrict the doing of any act which, by virtue of this provision, would not infringe copyright/any rights, that term is unenforceable <sup>4126</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	other than researcher or student: not fair dealing if copying by librarian or person acting on behalf of librarian is not permitted under s 42/Schedule 2, para. 6F, or in any other case, 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 <sup>4127</sup>
Subject to Attribution	work: <sup>4128</sup> unless infeasible, <sup>4129</sup> title, author (unless anonymous or not possible to ascertain its author if unpublished) <sup>4130</sup>

<sup>4120</sup> S 28B(10); Schedule 2, para. 1B(8).

<sup>4121</sup> S 28B(6), Schedule 2, para. 1B(4). Any transferred copy is subsequently treated as an infringing copy/illicit recording. S 28B(7), Schedule 2, para. 1B(5).

<sup>4122</sup> S 28B(8), Schedule 2, para. 1B(6). Any retained personal copy is subsequently treated as an infringing copy/illicit recording. S 28B(9), Schedule 2, para. 1B(7).

<sup>4123</sup> S 1(1), (2) (defining a work as an original literary, dramatic, musical or artistic work, sound recording, film or broadcast, the typographical arrangement of a published edition).

<sup>4124</sup> S 76.

<sup>4125</sup> Schedule 2, para. 1C(1).

<sup>4126</sup> S 29(4B); Schedule 2, para. 1C(4).

<sup>4127</sup> S 29(3)(b), Schedule 2, para. 1C(3).

<sup>4128</sup> S 29(1) (requiring "sufficient acknowledgment"). S 178 (defining "sufficient acknowledgment").

<sup>4129</sup> S 29(1B) (noting that no acknowledgment is required where it would be impossible for reasons of practicality or otherwise).

<sup>4130</sup> S 29(1B).

Subject to Remuneration	not required ("does not infringe any copyright in the work")
Provision	s 29(1C); Schedule 2, para. 1C(2).
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a work <sup>4131</sup> , (an adaptation of a literary, dramatic or musical work), <sup>4132</sup> a performance or a recording of a performance <sup>4133</sup>
Entity exercising private/personal use	
Purpose of private/personal use	private study
Condition of private/personal use	to the extent that a term of any contract purports to prevent or restrict the doing of any act which, by virtue of this provision, would not infringe copyright/any rights, that term is unenforceable <sup>4134</sup>
Frequency/copies and limits	
Preclusions (not part of private/personal use)	other than researcher or student: not fair dealing if copying by librarian or person acting on behalf of librarian is not permitted under s 42/Schedule 2, para. 6F (single copies of published works/recordings), or in any other case, 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 <sup>4135</sup>
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe any copyright in the work")

### 3. Quotations

Provision	s 30(1); Schedule 2, para. 2(1)
Scope of quotation	fair dealing
Type(s) of source work(s)	a work <sup>4136</sup> , (an adaptation of a literary, dramatic or musical work), <sup>4137</sup> (a performance or recording) <sup>4138</sup> "made available to the public" <sup>4139</sup>
Entity exercising quotation	
Purpose of quotation	criticism or review, of that work or another work/performance/recording or of a performance of a work

<sup>4131</sup> S 1(1), (2) (defining a work as an original literary, dramatic, musical or artistic work, sound recording, film or broadcast, the typographical arrangement of a published edition).

<sup>4132</sup> S 76.

<sup>4133</sup> Schedule 2, para. 1C(2).

<sup>4134</sup> S 29(4B); Schedule 2, para. 1C(4).

<sup>4135</sup> S 29(3)(b), Schedule 2, para. 1C(3).

<sup>4136</sup> S 1(1), (2) (defining a work as an original literary, dramatic, musical or artistic work, sound recording, film or broadcast, the typographical arrangement of a published edition).

<sup>4137</sup> S 76.

<sup>4138</sup> Sch. 2, para. 2(1).

<sup>4139</sup> S 30(1A) (defining "made available to the public").

Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	work: unless infeasible, <sup>4140</sup> title, author (unless anonymous or not possible to ascertain its author if unpublished) <sup>4141</sup>
Subject to Remuneration	not required ("does not infringe any copyright")

Provision	s 30(1ZA); Schedule 2, para. 2(1ZA)
Scope of quotation	use of a quotation
Type(s) of source work(s)	a work <sup>4142</sup> , (an adaptation of a literary, dramatic or musical work), <sup>4143</sup> (a performance or recording) <sup>4144</sup> "made available to the public" <sup>4145</sup>
Entity exercising quotation	
Purpose of quotation	whether for criticism or review or otherwise
Condition of quotation	use of quotation is fair dealing with work/performance/recording  extent of quotation is no more than required by specific purpose for which it was used  to the extent that a term of a contract purports to prevent or restrict the doing of any act which, by virtue of this provision, would not infringe copyright/any rights, that term is unenforceable <sup>4146</sup>
Preclusions (not part of quotation)	
Subject to Attribution	work: <sup>4147</sup> unless infeasible, <sup>4148</sup> title, author (unless anonymous or not possible to ascertain its author if unpublished) <sup>4149</sup>
Subject to Remuneration	not required ("Copyright ... is not infringed")

#### 4. Research/Educational Reproduction

Provision	s 32; Schedule 2, para. 4
Scope of research/educational reproduction	fair dealing

<sup>4140</sup> S 30(1).

<sup>4141</sup> S 178 (defining "sufficient acknowledgment").

<sup>4142</sup> S 1(1), (2) (defining a work as an original literary, dramatic, musical or artistic work, sound recording, film or broadcast, the typographical arrangement of a published edition).

<sup>4143</sup> S 76.

<sup>4144</sup> Sch. 2, para. 2(1).

<sup>4145</sup> S 30(1A) (defining "made available to the public").

<sup>4146</sup> S 30(4), Sch. 2, para. 2(1B).

<sup>4147</sup> S 30(1ZA)(d).

<sup>4148</sup> S 30(1ZA)(d).

<sup>4149</sup> S 178 (defining "sufficient acknowledgment").

Type(s) of source work(s)	work <sup>4150</sup> , (an adaptation of a literary, dramatic or musical work), <sup>4151</sup> performance or recording of a performance <sup>4152</sup>
Entity exercising reproduction	person giving or receiving instruction (or preparing for giving or receiving instruction), including setting examination questions, communicating questions to pupils and answering questions <sup>4153</sup>
Purpose of educational reproduction	illustration for instruction
Condition of reproduction	non-commercial purpose  to the extent that a term of a contract purports to prevent or restrict the doing any act which, by virtue of this provision, would not infringe copyright, that term is unenforceable <sup>4154</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	work: unless infeasible, work, author (unless anonymous or not possible to ascertain its author if unpublished) <sup>4155</sup>
Subject to Remuneration	not required ("does not infringe copyright/[neighbouring] rights")
Provision	s 36(1); Schedule 2, para. 6ZA(1)
Scope of research/educational reproduction	copying of extracts
Type(s) of source work(s)	a "relevant work" (a copyright work other than a broadcast or an artistic work not incorporated into another work) <sup>4156</sup> , (an adaptation of a literary, dramatic or musical work), <sup>4157</sup> a recording of a performance <sup>4158</sup>
Entity exercising reproduction	by or on behalf of an "educational establishment" <sup>4159</sup>
Purpose of educational reproduction	for the purposes of instruction
Condition of reproduction	instruction is for a non-commercial purpose  no licence authorising acts in question (e.g. copying/recording) of which educational

<sup>4150</sup> S 1(1), (2) (defining a work as an original literary, dramatic, musical or artistic work, sound recording, film or broadcast, the typographical arrangement of a published edition).

<sup>4151</sup> S 76.

<sup>4152</sup> Sch. 2, para. 4(1).

<sup>4153</sup> S 32(2).

<sup>4154</sup> S 32(3), Sch. 2, para 4(2).

<sup>4155</sup> S 32(1)(c).

<sup>4156</sup> S 1(1), (2) (defining a work as an original literary, dramatic, musical or artistic work, sound recording, film or broadcast, the typographical arrangement of a published edition).

<sup>4156</sup> Schedule 2, para. 4.

<sup>4156</sup> S 36(4).

<sup>4157</sup> S 76.

<sup>4158</sup> Schedule 2, para. 6ZA(1).

<sup>4159</sup> S 174(1) (defining an "educational establishment" as any school and any other description as prescribed by the Secretary of State).

	establishment responsible knew or ought to have been aware <sup>4160</sup>
Frequency/copies and limits	not more than 5% of any work/recording in 12 months <sup>4161</sup>  copies/recording made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire or communicated otherwise than as permitted by s 36(2)/para. 6ZA(2)) <sup>4162</sup>  terms of a licence granted to an educational establishment restricting proportion of work/recording which may be copied (whether on payment or free of charge) to less than that permitted by this section/paragraph are of no effect <sup>4163</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	copying of work: <sup>4164</sup> unless infeasible, title, author (unless anonymous or not possible to ascertain its author if unpublished) <sup>4165</sup>
Subject to Remuneration	not required ("does not infringe copyright") <sup>4166</sup>

Provision	s 29A; Schedule 2, para. 1D
Scope of research/educational reproduction	making a copy
Type(s) of source work(s)	a work <sup>4167</sup> , (an adaptation of a literary, dramatic or musical work), <sup>4168</sup> recording of a performance <sup>4169</sup>
Entity exercising reproduction	person who has lawful access to work/recording
Purpose of educational reproduction	computational analysis of anything recorded in work/recording for sole purpose of research
Condition of reproduction	research is for a non-commercial purpose  copy cannot be transferred to any other person, unless authorized by copyright owner <sup>4170</sup>  copy is used for any other purpose, unless authorized by copyright owner <sup>4171</sup>

<sup>4160</sup> S 36(6); Schedule 2, para. 6ZA(5).

<sup>4161</sup> S 36(5) (providing also that a work which incorporates another work is to be treated as a single work); Schedule 2, para. 6ZA(4).

<sup>4162</sup> S 36(8); Schedule 2, para. 6ZA(7).

<sup>4163</sup> S 36(7); Schedule 2, para. 6ZA(6).

<sup>4164</sup> S 36(1)(b).

<sup>4165</sup> S 178 (defining "sufficient acknowledgment").

<sup>4166</sup>

<sup>4167</sup> S 1(1), (2) (defining a work as an original literary, dramatic, musical or artistic work, sound recording, film or broadcast, the typographical arrangement of a published edition).

<sup>4168</sup> S 76.

<sup>4169</sup> Schedule 2, para. 1D.

<sup>4170</sup> S 29A(2)(a), Schedule 2, para. 1D(2)(a).

<sup>4171</sup> S 29A(2)(b), Schedule 2, para. 1D(2)(b).

	any term of contract that prevents or restricts making of copy under this provision is unenforceable <sup>4172</sup>
Frequency/copies and limits	copy made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire) <sup>4173</sup>
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	unless infeasible: title, author (unless anonymous or not possible to ascertain its author if unpublished) <sup>4174</sup>
Subject to Remuneration	not required ("does not infringe copyright/[neighbouring] rights")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 33
Scope of anthologies/compilations limitation/exception	inclusion, in a collection
Type(s) of source work(s)	a short passage from a published literary or dramatic work, (an adaptation of a literary, dramatic work) <sup>4175</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	collection intended for (any use for the educational purposes) <sup>4176</sup> in educational establishments
Condition of anthologies/compilations limitation/exception	collection is so described in its title and in any publisher's advertisement  collection consists mainly of material in which no copyright subsists  inclusion does not infringe copyright in the work if work itself is not intended for use in such establishment
Frequency/copies and limits	no more than 2 excerpts from works by same author <sup>4177</sup> are contained in collections by same publisher within 5 year period <sup>4178</sup>
Preclusions (not part of anthologies/compilations limitation/exception)	

<sup>4172</sup> S 29A(5).

<sup>4173</sup> S 29A(3) (providing that copy that is dealt with is to be treated as infringing copy and dealing is to be treated as infringing copy for all subsequent purposes). s 29A(4) (defining "dealt with").

<sup>4174</sup> S 178 (defining "sufficient acknowledgment").

<sup>4175</sup> S 76.

<sup>4176</sup> S 33(4).

<sup>4177</sup> S 33(3) (explaining that author includes works of joint authorship, and works by any of the authors will count towards the preclusion).

<sup>4178</sup> S 33(2).

Subject to Attribution	title, author (unless anonymous, or author unascertainable after reasonable inquiry for unpublished work) <sup>4179</sup>
Subject to Remuneration	not required ("does not infringe the copyright in the work")

## 6. School Performances

Provision	s 34(1)
Scope of school performance	performance
Type(s) of source work(s)	a literary, dramatic or musical work, (an adaptation of a literary, dramatic or musical work) <sup>4180</sup>
Entity exercising school performance	by a teacher or pupil in (a) or by any person in (b)
Purpose of school performance	(a): the course of the activities of educational establishment (b): purposes of instruction at the educational establishment
Condition of school performance	an audience consisting of teachers and pupils at an educational establishment and other persons "directly connected" <sup>4181</sup> with the activities of the establishment
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not a public performance for the purposes of infringement of copyright")

Provision	s 34(2), Sch. 2, para. 5(1)
Scope of school performance	playing or showing
Type(s) of source work(s)	a sound recording, film or broadcast
Entity exercising school performance	
Purpose of school performance	for the purposes of instruction
Condition of school performance	an audience consisting of teachers and pupils at an educational establishment and other persons "directly connected" <sup>4182</sup> with the activities of the establishment
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not a playing or showing of the work in public for the purposes of infringement of copyright")

<sup>4179</sup> S 2(1) (defining "sufficient acknowledgement").

<sup>4180</sup> S 76.

<sup>4181</sup> S 34(3) ("A person is not for this purpose directly connected with the activities of the educational establishment simply because he is the parent of a pupil at the establishment").

<sup>4182</sup> S 34(3) ("A person is not for this purpose directly connected with the activities of the educational establishment simply because he is the parent of a pupil at the establishment"); Sch. 2, para. 5(3) (applying s 34 to para. 5).

7. Educational Broadcasts/Communications/Recordings

Provision	s 32; Schedule 2, para. 4
Scope of broadcast/communication/recording	fair dealing
Type(s) of source work(s)	work, <sup>4183</sup> (an adaptation of a literary, dramatic or musical work), <sup>4184</sup> performance or recording of a performance <sup>4185</sup>
Entity exercising broadcast/communication/recording	person giving or receiving instruction (or preparing for giving or receiving instruction), including setting examination questions, communicating questions to pupils and answering questions
Purpose of broadcast/communication/recording	illustration for instruction
Condition of broadcast/communication/recording	non-commercial purpose contract term that purports to prevent or restrict doing of any act which would not infringe copyright is unenforceable
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	work: unless infeasible, work, author (unless anonymous or not possible to ascertain its author if unpublished) <sup>4186</sup>
Subject to Remuneration	not required ("does not infringe copyright/[neighbouring] rights")
Provision	s 35(1); Schedule 2, para. 6(1)
Scope of broadcast/communication/recording	a recording, or a copy of such a recording
Type(s) of source work(s)	a broadcast (and any work, (an adaptation of a literary, dramatic or musical work) <sup>4187</sup> [and performance/recording] included in it)
Entity exercising broadcast/communication/recording	by or on behalf of an educational establishment
Purpose of broadcast/communication/recording	educational purposes of that establishment
Condition of broadcast/communication/recording	educational purposes are non-commercial no recording/copying if licences are available authorizing acts in question which educational establishment knew or ought to have been aware

<sup>4183</sup> S 1(1), (2) (defining a work as an original literary, dramatic, musical or artistic work, sound recording, film or broadcast, the typographical arrangement of a published edition).

<sup>4184</sup> S 76.

<sup>4185</sup>

<sup>4186</sup> S 32(1)(c).

<sup>4187</sup> S 76.



Frequency/limits of broadcast/communication/recording	copies/recordings made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire or communicated otherwise than as permitted) <sup>4188</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	unless infeasible: title of broadcast, work, author (unless anonymous or not possible to ascertain its author if unpublished) <sup>4189</sup>
Subject to Remuneration	not required ("without thereby infringing the copyright in the broadcast ... or in any work included in it") <sup>4190</sup>

Provision	s 35(2), Schedule 2, para. 6(2)
Scope of broadcast/communication/recording	communication of a recording, or a copy of such a recording (made by virtue of s 35(1) or Sch. 2, para. 6(1))
Type(s) of source work(s)	a broadcast (and any work, (an adaptation of a literary, dramatic or musical work) <sup>4191</sup> [and performance/recording] included in it)
Entity exercising broadcast/communication/recording	by or on behalf of an educational establishment
Purpose of broadcast/communication/recording	educational purposes of that establishment
Condition of broadcast/communication/recording	educational purposes are non-commercial  no communication if licences are available authorizing acts in question which educational establishment knew or ought to have been aware
Frequency/limits of broadcast/communication/recording	communication received outside premises of educational establishment to be made by means of a secure electronic network accessible only by establishment's pupils and staff  copies/recordings made cannot be dealt with (i.e. sold, let for hire or offered or exposed for

<sup>4188</sup> S 1(1), (2) (defining a work as an original literary, dramatic, musical or artistic work, sound recording, film or broadcast, the typographical arrangement of a published edition).

<sup>4188</sup> Schedule 2, para. 4.

<sup>4188</sup> S 35(5), (6), Sch. 2, para. 6(5), (6).

<sup>4189</sup> S 178 (defining "sufficient acknowledgment").

<sup>4190</sup> Special licences for educational establishments are envisaged with respect to such recording activities. Cf. sS 131 (providing that in references to the Copyright Tribunal relating to licences for the recording by or on behalf of educational establishments of broadcasts which include copyright works, or the making of copies of such recordings, for educational purposes, the Tribunal is required to have regard for additional considerations). See Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts) (Educational Recording Agency Limited) Order 2007, S.I. 2007/266, as variously amended, including the Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts) (Educational Recording Agency Limited) (Amendment No. 2) Order 2013, S.I. 2013/1924.

<sup>4191</sup> S 76.

	sale or hire or communicated otherwise than as permitted) <sup>4192</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("Copyright is not infringed")

Provision	s 36(2); Schedule 2, para. 6ZA(2)
Scope of broadcast/communication/recording	communication
Type(s) of source work(s)	a copy of a "relevant work" (a copyright work, (an adaptation of a literary, dramatic or musical work) <sup>4193</sup> other than a broadcast or an artistic work not incorporated into another work) <sup>4194</sup> [made under s 36(1)], a recording of a performance [made under Schedule 2, para. 6ZA(1)] <sup>4195</sup>
Entity exercising broadcast/communication/recording	by or on behalf of an "educational establishment" <sup>4196</sup>
Purpose of broadcast/communication/recording	to pupils or staff of educational establishment for the purposes of instruction
Condition of broadcast/communication/recording	instruction is for a non-commercial purpose  no licence authorising acts in question (e.g. copying/recording) of which educational establishment responsible knew or ought to have been aware <sup>4197</sup>
Frequency/limits of broadcast/communication/recording	communication received outside premises of establishment to be made by means of a secure electronic network accessible only by establishment's pupils and staff <sup>4198</sup>  not more than 5% of any work/recording in 12 months <sup>4199</sup>  copies/recording made cannot be dealt with (i.e. sold, let for hire or offered or exposed for sale or hire or communicated otherwise than as permitted by s 36(2)/para. 6ZA(2)) <sup>4200</sup>

<sup>4192</sup> S 1(1), (2) (defining a work as an original literary, dramatic, musical or artistic work, sound recording, film or broadcast, the typographical arrangement of a published edition).

<sup>4192</sup> Schedule 2, para. 4.

<sup>4192</sup> S 35(5), (6), Sch. 2, para. 6(5), (6).

<sup>4193</sup> S 76.

<sup>4194</sup> S 36(4).

<sup>4195</sup> Schedule 2, para. 6ZA(1).

<sup>4196</sup> S 174(1) (defining an "educational establishment" as any school and any other description as prescribed by the Secretary of State).

<sup>4197</sup> S 36(6); Schedule 2, para. 6ZA(5).

<sup>4198</sup> S 36(3), Schedule 2, para. 6ZA(3).

<sup>4199</sup> S 36(5) (providing also that a work which incorporates another work is to be treated as a single work); Schedule 2, para. 6ZA(4).

<sup>4200</sup> S 36(8); Schedule 2, para. 6ZA(7).

	terms of a licence granted to an educational establishment restricting proportion of work/recording which may be copied (whether on payment or free of charge) to less than that permitted by this section/paragraph are of no effect <sup>4201</sup>
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("does not infringe copyright")

Provision	s 40B; Schedule 2, para. 6C
Scope of broadcast/communication/recording	communication to the public or making available to the public
Type(s) of source work(s)	a work, (an adaptation of a literary, dramatic or musical work) <sup>4202</sup> (or a recording of a performance) lawfully acquired by the establishment
Entity exercising broadcast/communication/recording	including an "educational establishment" <sup>4203</sup>
Purpose of broadcast/communication/recording	for purposes of research or private study by individual members of the public
Condition of broadcast/communication/recording	communicated or made available in compliance with any purchase or licensing terms to which the work/recording is subject
Frequency/limits of broadcast/communication/recording	by means of a dedicated terminal on its premises
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("is not infringed")

## 8. Compulsory Licences for Educational Reproductions and Translations

## 9. TPM/RMI Exceptions for Educational Purposes

Provision	s 296ZE
Scope of TPM/RMI restriction	require rightholder/exclusive licensee who used effective "technological measures" <sup>4204</sup> in respect of work to take voluntary measures <sup>4205</sup> or make available means <sup>4206</sup> to ensure for the "beneficiaries" the benefit of the exception

<sup>4201</sup> S 36(7); Schedule 2, para. 6ZA(6).

<sup>4202</sup> S 76.

<sup>4203</sup> S 174(1) (defining an "educational establishment" as any school and any other description as prescribed by the Secretary of State).

<sup>4204</sup> S 296ZF (defining "technological measures" as any technology, device or component which is designed, in the normal course of its operation, to protect a copyright work other than a computer program).

<sup>4205</sup> S 296ZE(3)(a).

<sup>4206</sup> S 296ZE(3)(b).

Type(s) of source work(s)	work, performance, <sup>4207</sup> database, <sup>4208</sup> publication <sup>4209</sup> (but not applicable to works available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them <sup>4210</sup> )
Beneficiary exercising restriction	<p>“beneficiaries”: a person (or a person being a representative of a class of persons) who are prevented, by any effective technological measure from carrying out an act in relation to copyright works etc. (to which they have lawful access<sup>4211</sup>) which are permitted (“permitted acts”), as listed in Schedule 5A, for, <i>inter alia</i>:</p> <p>things done for purposes of instruction or examination (ss 32(1), (3), (3)),</p> <p>recording by educational establishments of broadcasts (s 35),</p> <p>reprographic copying by educational establishments of passages from published works (s 36),</p> <p>paragraph 4 of Schedule 2 (things done for purposes of instruction or examination) (Sch. 2, para. 4),</p> <p>recording of broadcasts by educational establishments (Sch. 2, para. 6)</p>
Purpose of restriction	to the extent necessary and to have legal access to the protected work or subject-matter
Condition of restriction	

Provision	s 296ZEA
Scope of TPM/RMI restriction	[directions by the Secretary of State] <sup>4212</sup> to require rightholder/exclusive licensee who used “restrictive measures” <sup>4213</sup> in respect of work to take “voluntary measure or agreement” <sup>4214</sup> or make available means <sup>4215</sup> to ensure for the “beneficiary” the benefit of [being able to] make

<sup>4207</sup> S 296ZE(11)(a).

<sup>4208</sup> S 296ZE(11)(b).

<sup>4209</sup> S 296ZE(11)(c).

<sup>4210</sup> S 296ZE(9), taken from EU Copyright Directive 2001/29, Art. 6(4).

<sup>4211</sup> S 296ZE(10).

<sup>4212</sup> S 296ZEA(3).

<sup>4213</sup> S 296ZEA(8) (defining “restrictive measure” as any technology, device or component designed, in the normal course of its operation, to protect the rights of copyright owners, which has the effect of preventing a copyright work from being copied (in whole or in part) or restricting the number of copies which may be made).

<sup>4214</sup> S 296ZEA(3)(a).

<sup>4215</sup> S 296ZEA(3)(b).

	a “personal copy” <sup>4216</sup> or personal copies of a copyright work under s 28B
Type(s) of source work(s)	work, performance, <sup>4217</sup> publication <sup>4218</sup> (but not applicable to works/recording of performance/publication available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them <sup>4219</sup> )
Beneficiary exercising restriction	“beneficiaries”: an individual or a person being a representative of a class of such individuals, who are prevented, by any “restrictive measure” from making a personal copy of a copyright work, or is restricted in the number of personal copies of it which may be made (to which each copy if the individual’s own copy or a personal copy made by the individual <sup>4220</sup> )
Purpose of restriction	whether the restrictive measure unreasonably prevents or restricts the making of personal copies, in particular, having regard to the right of copyright owner to adopt adequate measures to limit the number of personal copies made, and whether other copies of work are commercially available on reasonable terms by or with authority of copyright owner in a form which does not prevent or unreasonably restrict making of personal copies <sup>4221</sup>
Condition of restriction	

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<sup>4216</sup> S 296ZEA(8) (defining “personal copy” as copy of a copyright work which may be made under s 28B).

<sup>4217</sup> S 296ZEA(9)(a).

<sup>4218</sup> S 296ZEA(9)(b).

<sup>4219</sup> S 296ZEA(7), taken from EU Copyright Directive 2001/29, Art. 6(4).

<sup>4220</sup> S 28B(a).

<sup>4221</sup> S 296ZEA(4).

## United Republic of Tanzania

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 25, 1994 (Paris Act (1971): July 25, 1994)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright and Neighbouring Rights Act, 1999

### 2. Private/Personal Use

Provision	s 12(2)(a)
Scope of private/personal use	production, translation, adaptation, arrangement or other transformation
Type(s) of source work(s)	a lawfully published protected work (in original or in translation), (a performance, sound recording, broadcast) <sup>4222</sup>
Entity exercising private/personal use	
Purpose of private/personal use	user's own personal and private use
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	works of architecture, computer programs  "reproduction does not conflict with normal exploitation of the work and does not unreasonably prejudice the legitimate interest of the author"
Subject to Attribution	
Subject to Remuneration	not required ("without ... the obligation to pay remuneration")

### 3. Quotations

Provision	s 12(2)(b)
Scope of quotation	inclusion, in another work
Type(s) of source work(s)	a lawfully published work (in original or in translation), including <sup>4223</sup> newspaper articles and periodicals in the form of press summaries, (a performance, sound recording, broadcast) <sup>4224</sup>
Entity exercising quotation	
Purpose of quotation	in the form of quotation
Condition of quotation	quotations are compatible with fair practice

<sup>4222</sup> S 35(e) (applying cases in Part II where a work can be used without the authorization of the author or owner of copyright to related rights).

<sup>4223</sup> S 12(2)(b) uses the expression "including quotations for [sic] newspaper articles", but the context suggests that it should refer to quotations *from* newspaper articles, since the content of what "another work" constitutes is never particularized in the provision.

<sup>4224</sup> S 35(e) (applying cases in Part II where a work can be used without the authorization of the author or owner of copyright to related rights).

	quotations do not exceed extent justified by the purpose
Preclusions (not part of quotation)	works of architecture, computer programs
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("without ... the obligation to pay remuneration")

#### 4. Research/Educational Reproduction

Provision	s 12(7)
Scope of research/educational reproduction	reproduction, by photography of sound or video recording, or electronic storage
Type(s) of source work(s)	literary and artistic works which have already been lawfully made available to the public <sup>4225</sup>
Entity exercising reproduction	public libraries, non-commercial documentation centers, scientific institutions and educational establishments
Purpose of educational reproduction	regular activities of the entity
Condition of reproduction	
Frequency/copies and limits	reproduction, the number of copies made, and the use thereof are limited to the need of the entity reproducing the work
Preclusions (not part of research/educational reproduction)	reproduction/storage "neither conflict with the normal exploitation of the work nor unreasonably prejudice the legitimate interests of the author"
Subject to Attribution	
Subject to Remuneration	not required ("without ... the obligation to pay remuneration")

Provision	s 35(b)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a performance, sound recording, broadcast
Entity exercising reproduction	
Purpose of educational reproduction	solely for scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[related rights] shall not apply ")

Provision	s 35(c)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a performance, sound recording, broadcast
Entity exercising reproduction	

<sup>4225</sup> S 35(e) (applying cases in Part II where a work can be used without the authorization of the author or owner of copyright to related rights).

Purpose of educational reproduction	solely for the purpose of face-to-face teaching activities
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	except for performances and phonograms which have been published as teaching or instructional materials
Subject to Attribution	
Subject to Remuneration	not required ("[related rights] shall not apply ")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 12(2)(c)
Scope of anthologies/compilations limitation/exception	utilization by way of illustration in publications
Type(s) of source work(s)	a lawfully published work (in original or in translation), (a performance, sound recording, broadcast) <sup>4226</sup>
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for teaching purposes of the work, for use in schools, education, universities and professional training
Condition of anthologies/compilations limitation/exception	use is compatible with fair practice
Frequency/copies and limits	utilization to extent justified by the purpose
Preclusions (not part of anthologies/compilations limitation/exception)	works of architecture, computer program
Subject to Attribution	source, author
Subject to Remuneration	not required ("without ... the obligation to pay remuneration")

#### 6. School Performances

#### 7. Educational Broadcasts/Communications/Recordings

Provision	s 12(2)(c)
Scope of broadcast/communication/recording	utilization in broadcasts, programs distributed by cable, or sound or visual recordings
Type(s) of source work(s)	a lawfully published work (in original or in translation), (a performance, sound recording, broadcast) <sup>4227</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for the communication for teaching purposes of the work broadcast or distributed by cable, for

<sup>4226</sup> S 35(e) (applying cases in Part II where a work can be used without the authorization of the author or owner of copyright to related rights).

<sup>4227</sup> S 35(e) (applying cases in Part II where a work can be used without the authorization of the author or owner of copyright to related rights).



	use in schools, education, universities and professional training
Condition of broadcast/communication/recording	use is compatible with fair practice
Frequency/limits of broadcast/communication/recording	utilization to extent justified by the purpose
Preclusions (not part of broadcast/communication/recording)	works of architecture, computer program
Subject to Attribution	source, author
Subject to Remuneration	not required ("without ... the obligation to pay remuneration")

8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## United States of America

### 1. Treaties & Legislation

Treaties:

Berne Convention: March 1, 1989 (Paris Act (1971): March 1, 1989)

WIPO Copyright Treaty: March 6, 2002

WIPO Performances and Phonograms Treaty: May 20, 2002

Legislation:

U.S. Copyright Act, Title 17

Federal Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes, Oct. 14, 1981

Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with respect to books and periodicals

Guidelines for Educational Uses of Music

U.S. Copyright Office, Circular 21: Reproduction Of Copyrighted Works By Educators and Librarians (2014)

### 2. Private/Personal Use

Provision	s 107
Scope of private/personal use	fair use, including such use by reproduction in copies or phonorecords or by any other means specified by [ss 106 and 106A]
Type(s) of source work(s)	a copyrighted work (the fact that a work is unpublished shall not itself bar a finding of fair use)
Entity exercising private/personal use	
Purpose of private/personal use	[any <i>individual</i> may reproduce a copyrighted work for [...] fair use] <sup>4228</sup> purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research
Condition of private/personal use	to determine if use is fair use, factors to be considered shall include: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the copyright work; (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; (d) the effect of the use upon the potential market for or value of the work.
Frequency/copies and limits	

<sup>4228</sup> Sony Corp. of America v. Universal City Studios, Inc., 104 S.Ct. 774, 784, 464 U.S. 417, 444 (“Any individual may reproduce a copyrighted work for a “fair use;” the copyright owner does not possess the exclusive right to such a use.”).

Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("is not an infringement of copyright")

### 3. Quotations

Provision	s 107
Scope of quotation	fair use, including such use by reproduction in copies or phonorecords or by any other means specified by [ss 106 and 106A]
Type(s) of source work(s)	a copyrighted work (the fact that a work is unpublished shall not itself bar a finding of fair use)
Entity exercising quotation	
Purpose of quotation	purposes such as criticism, comment, <sup>4229</sup>
Condition of quotation	to determine if use is fair use, factors to be considered shall include: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the copyright work; (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; (d) the effect of the use upon the potential market for or value of the work.
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("is not an infringement of copyright")

### 4. Research/Educational Reproduction

Provision	s 107
Scope of research/educational reproduction	fair use, including such use by reproduction in copies or phonorecords or by any other means specified by [ss 106 and 106A]
Type(s) of source work(s)	a copyrighted work (the fact that a work is unpublished shall not itself bar a finding of fair use)
Entity exercising reproduction	

<sup>4229</sup> See, e.g., *New Era Publications Intern., ApS v. Carol Publication. Group*, 904 F.2d 152, 156 (2<sup>nd</sup>. Cir, 1990) (holding that use of quotations from copyrighted works of biography to convey the author's criticism had the purpose and character necessary for a finding of fair use); *Rubin v. Brooks/Cole Publication. Co.*, 836 F.Supp. 909 (D. Mass., 1993) (holding that use and incorporation of psychological instrument known as "love scale" in college social psychology textbook, which reprinted the "love scale" without the copyright holder's permission, was "fair use" as it presented copyrighted work in productive and scholarly manner within an educational setting for the purposes of teaching and higher learning and did not supersede the original author's work).

Purpose of educational reproduction	purposes such as teaching (including multiple copies for classroom use) <sup>4230</sup> , scholarship, or research
Condition of reproduction	to determine if use is fair use, factors to be considered shall include: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the copyright work; (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; (d) the effect of the use upon the potential market for or value of the work.
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("is not an infringement of copyright")

Provision	Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with respect to books and periodicals <sup>4231</sup>
Scope of research/educational reproduction	single copying
Type(s) of source work(s)	books and periodicals: a chapter from a book, an article from a periodical or newspaper, a short story, short essay or short poem, a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper
Entity exercising reproduction	not-for-profit educational institutions, by or for a teacher
Purpose of educational reproduction	scholarly research or use in teaching or preparation to teach a class
Condition of reproduction	copy at the teacher's individual request
Frequency/copies and limits	a single copy
Preclusions (not part of research/educational reproduction)	copying to create or replace or substitute for anthologies, compilations or collective works,

<sup>4230</sup> See, *Cambridge University Press v. Patton*, 769 F.3d 1232, 1274 (11<sup>th</sup> Cir. 2014) (also accepting the argument that a non-transformative making of multiple copies of works for classroom use may be fair use, but reversing and remanding a lower court decision, which had held that the posting of unlicensed portions of copyrighted books electronically and making them available electronically to students amounted to fair use).

<sup>4231</sup> The use of books and periodicals by way of classroom copying is spelt out in the U.S. Congressional Committee-approved Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with respect to books and periodicals, Conf. Rep. No. 1733, 94<sup>th</sup> Cong., 2d Sess. 70. See U.S. Copyright Office, CIRCULAR 21: REPRODUCTION OF COPYRIGHTED WORKS BY EDUCATORS AND LIBRARIANS (2014), available at <http://www.copyright.gov/circs/circ21.pdf>. Though not controlling on the court, the guidelines are instructive as they spell out the minimum, not maximum, amount of allowable educational fair use under s 107, as to the qualifications, frequency and limits, and were not intended to limit fair use in any way. Courts have treated them as being the accepted understanding of fair use by House and Senate conferees, and as having persuasive authority. See e.g., *Basic Books, Inc. v. Kinko's Graphics Corp.*, 758 F.Supp. 1522–36 (S.D.N.Y.1991), *Am. Geophysical Union v. Texaco Inc.*, 60 F.3d 913, 919 (2d Cir. 1994), *Princeton Univ. Press v. Michigan Document Servs., Inc.*, 99 F.3d 1381, 1390 (6th Cir. 1996).

	copying of works intended to be “consumable” in the course of study or of teaching e.g. workbooks etc., copying as a substitute for the purchase of books, reprints or periodicals etc. <sup>4232</sup>
Subject to Attribution	
Subject to Remuneration	not required ("purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under Section 107")

Provision	Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with respect to books and periodicals <sup>4233</sup>
Scope of research/educational reproduction	multiple copying
Type(s) of source work(s)	books and periodicals
Entity exercising reproduction	not-for-profit educational institutions, by or for a teacher giving the course
Purpose of educational reproduction	for classroom use or discussion
Condition of reproduction	“spontaneity” test: copying is at the instance and inspiration of the individual teacher, and that the inspiration and decision to use the work and moment of its use for maximum teaching effectiveness are so close that it would be unreasonable to expect a timely reply to a request for permission
Frequency/copies and limits	not to exceed more than 1 copy per pupil in a course  “brevity” test: poetry – a complete poem if less than 250 words and if printed on not more than 2 pages, or from a longer poem, an excerpt of not more than 250 words; prose – either a complete article, story or essay of less than 2,500 words, or an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event, a minimum of 500 words (but the aforesaid limits may be expanded to permit the completion of an unfinished line of poem or prose paragraph); illustration – one chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue; special works – certain works in poetry, prose or poetic prose which combine language with illustrations and are intended sometimes for children and at other times for a more general

<sup>4232</sup> *Id.*, Part III.

<sup>4233</sup> *Id.* Note that because the guidelines only spell out the minimum amount of allowable educational fair use under s 107, even if the guidelines are not complied with, such use, for instance, multiple copying, may still be a fair use. See, *Cambridge University Press v. Patton*, 769 F.3d 1232, 1274 (11<sup>th</sup> Cir. 2014) (accepting the argument that a non-transformative making of multiple copies of works for classroom use may be fair use).

	<p>audience that are less than 2,500 words in their entirety, may not be reproduced in their entirety but an excerpt comprising not more than 2 of the published pages and not more than 10% of the words found in the text may be reproduced</p> <p>“cumulative effects” test: (i) copying is for only one course in the school, (ii) not more than 1 short poem, article, story, essay or two excerpts may be copied from the same author, or more than 3 from the same collective work or periodical volume during one class term, and (iii) not more than 9 instances of such multiple copying for one course during one class term, but (ii) and (iii) shall not apply to current news periodicals and newspapers and current news sections of other periodicals</p> <p>each copy includes a notice of copyright<sup>4234</sup></p>
Preclusions (not part of research/educational reproduction)	<p>copying to create or replace or substitute for anthologies, compilations or collective works, copying of works intended to be “consumable” in the course of study or of teaching e.g. workbooks etc., copying as a substitute for the purchase of books, reprints or periodicals etc.<sup>4235</sup></p>
Subject to Attribution	
Subject to Remuneration	<p>not required (“purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under Section 107”)</p>

Provision	Guidelines for Educational Uses of Music <sup>4236</sup>
Scope of research/educational reproduction	copying
Type(s) of source work(s)	musical works, recordings of performances, sound recordings
Entity exercising reproduction	
Purpose of educational reproduction	educational uses of music
Condition of reproduction	
Frequency/copies and limits	<p>emergency copying to replace purchased copies, or</p> <p>academic purposes other than performance: single or multiple copies where the excerpts do not comprise a performable unit (but not more</p>

<sup>4234</sup> Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with respect to books and periodicals, *id.*

<sup>4235</sup> *Id.*, Part III.

<sup>4236</sup> Guidelines for Educational Uses of Music was approved by the U.S. Congressional Committee. Both are reproduced in the U.S. Copyright Office, CIRCULAR 21: REPRODUCTION OF COPYRIGHTED WORKS BY EDUCATORS AND LIBRARIANS (2014), available at <http://www.copyright.gov/circs/circ21.pdf>. Though not controlling on the court, the guidelines are instructive as they spell out the minimum, not maximum, amount of allowable educational fair use under s 107, as to the qualifications, frequency and limits, and were not intended to limit fair use in any way.

	than 10% of the whole work), and not more than 1 copy per pupil; or editing or simplification of purchased printed copies, without distorting the character of the work or lyrics; or for evaluation or rehearsal purposes: a single copy of recordings of performances by students; or conducting aural exercises or examinations: a single copy of a sound recording of copyrighted music from sound recordings owned by an educational institution or teacher. <sup>4237</sup>
Preclusions (not part of research/educational reproduction)	(except as allowed above): copying to create or replace or substitute for anthologies, compilations or collective works, copying of or form works intended to be "consumable" e.g. workbooks, exercises, etc., copying for the purpose of performance, copying for the purpose of substituting for the purchase of music, and copying without inclusion of existing copyright notice. <sup>4238</sup>
Subject to Attribution	
Subject to Remuneration	not required ("purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under Section 107")

##### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 107
Scope of anthologies/compilations limitation/exception	fair use, including such use by reproduction in copies or phonorecords or by any other means specified by [ss 106 and 106A]
Type(s) of source work(s)	a copyrighted work (the fact that a work is unpublished shall not itself bar a finding of fair use)
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	purposes such as teaching (including multiple copies for classroom use), scholarship, or research
Condition of anthologies/compilations limitation/exception	to determine if use is fair use, factors to be considered shall include: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the copyright work; (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole;

<sup>4237</sup> *Id.*, Part A (Permissible Uses).

<sup>4238</sup> *Id.*, Part B (Prohibitions).

	(d) the effect of the use upon the potential market for or value of the work.
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	
Subject to Remuneration	coursepacks: <sup>4239</sup> copyright clearance obtained via department administration, university bookstores, private clearance services such as Copyright Clearance Center (fees are based on cost of copyright permission for material copied – approximately US\$0.08 to US\$0.10 per copied page, plus copying, binding, clearance service’s processing fee and store markup) <sup>4240</sup>

## 6. School Performances

Provision	s 107
Scope of school performance	fair use, including such use by reproduction in copies or phonorecords or by any other means specified by [ss 106 and 106A]
Type(s) of source work(s)	a copyrighted work (the fact that a work is unpublished shall not itself bar a finding of fair use)
Entity exercising school performance	
Purpose of school performance	purposes such as teaching (including multiple copies for classroom use), scholarship, or research
Condition of school performance	to determine if use is fair use, factors to be considered shall include: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the copyright work; (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; (d) the effect of the use upon the potential market for or value of the work.
Preclusions (not part of school performance)	
Subject to Attribution	

<sup>4239</sup> The general rule is that the assembly and printing of coursepacks is not fair use and requires copyright clearance. See, e.g., *Marcus v. Rowley*, 695 F.2d 1171 (9<sup>th</sup> Cir. 1983) (holding that the use of copyrighted booklet in “learning activity package” which included some of material in copyrighted booklet was not protected fair use); *Basic Books Inc. v. Kinko’s Graphics Corp.*, 758 F. Supp. 1522 (S.D. N.Y. 1991) (holding that copy shop infringed a publisher’s copyright when it reprinted portions of a book in an academic coursepack); *Princeton Univ. v. Michigan Document Servs.*, 99 F.3d 1381 (6<sup>th</sup> Cir. 1996) (holding that copy shop copying of course materials for students and professors did not qualify as fair use, based on the amount and substantiality of the portions taken and the loss of licensing revenues for academic publishers, while the copy shop was making money on the coursepacks).

<sup>4240</sup> Stanford University Libraries, Academic Coursepacks, at <http://fairuse.stanford.edu/overview/academic-and-educational-permissions/academic-coursepacks/>.



Subject to Remuneration	not required ("is not an infringement of copyright")
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Provision	s 110(1)
Scope of school performance	performance or display
Type(s) of source work(s)	a work
Entity exercising school performance	by instructors or pupils
Purpose of school performance	in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction
Condition of school performance	
Preclusions (not part of school performance)	a motion picture or other audiovisual work: source work was not lawfully made, and person responsible for performance knew or had reason to believe it was not lawfully made
Subject to Attribution	
Subject to Remuneration	not required ("not infringements of copyright")

Provision	s 110(2)
Scope of school performance	performance or display, by or in the course of a transmission
Type(s) of source work(s)	a nondramatic literary or musical work or reasonable and limited portions of any other work
Entity exercising school performance	a governmental body or an accredited nonprofit educational institution <sup>4241</sup>
Purpose of school performance	performance or display is directly related and of material assistance to the teaching content of the transmission <sup>4242</sup>
Condition of school performance	performance or display is made by, at the direction of, or under the actual supervision of an instructor <sup>4243</sup> of [government body/educational institution as entity]  performance or display is an integral part of a class session <sup>4244</sup>  performance or display is offered as a regular part of the systematic "mediated instructional activities" <sup>4245</sup> of [government body/educational institution as entity]

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<sup>4241</sup> S 110(2)(A).

<sup>4242</sup> S 110(2)(B).

<sup>4243</sup> S 110(2)(A).

<sup>4244</sup> S 110(2)(A).

<sup>4245</sup> S 110 (defining "mediated instructional activities" with respect to the performance or display of a work by digital transmission under this section to refer to activities that use such work as an integral part of the class experience, controlled by or under the actual supervision of the instructor and analogous to the type of performance or display that would take place in a live classroom setting. The term does not refer to activities that use, in 1 or more class sessions of a single course, such works as textbooks, course packs, or other material in any media, copies or phonorecords of which are typically purchased or acquired by the students in higher education for their independent use and retention

	<p>performance or display is in an amount comparable to that which is typically displayed in the course of a live classroom session<sup>4246</sup></p> <p>transmission is made solely for, and, to the extent technologically feasible, its reception is limited to officially enrolled students and officers or employees of governmental bodies as part of their official duties<sup>4247</sup></p> <p>transmitting body/institution institutes copyright policies and provides copyright notices to students<sup>4248</sup></p> <p>(for digital transmissions) transmitting body/institution applies technological measures that reasonably prevent retention of the work for longer than the class session, and unauthorised further dissemination,<sup>4249</sup> and does not interfere with technological measures used by copyright owners to this end<sup>4250</sup></p>
Preclusions (not part of school performance)	<p>work is one produced or marketed primarily for performance or display as part of mediated instructional activities transmitted via digital networks,<sup>4251</sup> or</p> <p>a performance or display that is given by means of a copy or phonorecord that is not lawfully made and acquired under this title, and the transmitting government body or accredited nonprofit educational institution knew or had reason to believe was not lawfully made and acquired<sup>4252</sup></p>
Subject to Attribution	
Subject to Remuneration	not required ("not infringements of copyright")

Provision	s 110(4)
Scope of school performance	performance, otherwise than in a transmission to the public
Type(s) of source work(s)	a nondramatic literary or musical work
Entity exercising school performance	
Purpose of school performance	

or are typically purchased or acquired for elementary and secondary students for their possession and independent use.).

<sup>4246</sup> S 110(2).

<sup>4247</sup> S 110(2)(C).

<sup>4248</sup> S 110(2)(D)(i)

<sup>4249</sup> S 110(2)(D)(ii)(I).

<sup>4250</sup> S 110(2)(D)(ii)(II).

<sup>4251</sup> S 110(2).

<sup>4252</sup> S 110(2).

Condition of school performance	without any purpose of direct or indirect commercial advantage <sup>4253</sup>  without payment of any fee or other compensation for the performance to any of its performers, promoters, or organizers <sup>4254</sup>  no direct or indirect admission charge <sup>4255</sup>  proceeds, after deducting the reasonable costs of producing the performance, are used exclusively for educational, religious, or charitable purposes and not for private financial gain <sup>4256</sup>
Preclusions (not part of school performance)	except where the copyright owner has served notice, in writing, in compliance with form, content and manner of service, of objection to the performance, at least 7 days before the performance, with reasons <sup>4257</sup>
Subject to Attribution	
Subject to Remuneration	not required ("not infringements of copyright")

## 7. Educational Broadcasts/Communications/Recordings

Provision	s 107
Scope of broadcast/communication/recording	fair use, including such use by reproduction in copies <i>or phonorecords</i> or by any other means specified by [ss 106 and 106A]
Type(s) of source work(s)	a copyrighted work (the fact that a work is unpublished shall not itself bar a finding of fair use)
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	purposes such as teaching (including multiple copies for classroom use) <sup>4258</sup> , scholarship, or research
Condition of broadcast/communication/recording	to determine if use is fair use, factors to be considered shall include: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the copyright work;

<sup>4253</sup> S 110(4).

<sup>4254</sup> S 110(4).

<sup>4255</sup> S 110(4)(A).

<sup>4256</sup> S 110(4)(B).

<sup>4257</sup> S 110(4)(B) proviso.

<sup>4258</sup> See, *Cambridge University Press v. Patton*, 769 F.3d 1232, 1274 (11<sup>th</sup> Cir. 2014) (also accepting the argument that a non-transformative making of multiple copies of works for classroom use may be fair use, but reversing and remanding a lower court decision, which had held that the posting of unlicensed portions of copyrighted books electronically and making them available electronically to students amounted to fair use).

	(c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; (d) the effect of the use upon the potential market for or value of the work.
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("is not an infringement of copyright")
Provision	s 110(2)
Scope of broadcast/communication/recording	performance or display, by or in the course of a transmission (and to make copies or phonorecords of a work embodying the performance or display for such transmission) <sup>4259</sup>
Type(s) of source work(s)	a nondramatic literary or musical work or reasonable and limited portions of any other work [e.g. audiovisual works]
Entity exercising broadcast/communication/recording	a governmental body or an accredited nonprofit educational institution <sup>4260</sup>
Purpose of broadcast/communication/recording	performance or display is directly related and of material assistance to the teaching content of the transmission <sup>4261</sup>
Condition of broadcast/communication/recording	performance or display is made by, at the direction of, or under the actual supervision of an instructor <sup>4262</sup> of [government body/educational institution as entity]  performance or display as an integral part of a class session <sup>4263</sup>  performance or display offered as a regular part of the systematic "mediated instructional activities" <sup>4264</sup> of [government body/educational institution as entity]

<sup>4259</sup> S 112(f)(1) (extending s 110(2) to encompass the making of copies or phonorecords of a digital or analog work (solely to the extent permitted in s 112(f)(2)) where such copies or phonorecords are used solely for s 110(2) transmission). S 112(f)(2) permits the conversion into digital form of an analogue version (if no digital version is available to the institution) or a digital version subject to technological protection measures that prevent its s 110(2) use.

<sup>4260</sup> S 110(2)(A).

<sup>4261</sup> S 110(2)(B).

<sup>4262</sup> S 110(2)(A).

<sup>4263</sup> S 110(2)(A).

<sup>4264</sup> S 110 (defining "mediated instructional activities" with respect to the performance or display of a work by digital transmission under this section to refer to activities that use such work as an integral part of the class experience, controlled by or under the actual supervision of the instructor and analogous to the type of performance or display that would take place in a live classroom setting. The term does not refer to activities that use, in 1 or more class sessions of a single course, such works as textbooks, course packs, or other material in any media, copies or phonorecords of which are typically purchased or acquired by the students in higher education for their independent use and retention or are typically purchased or acquired for elementary and secondary students for their possession and independent use.).

	transmitting body/institution institutes copyright policies and provides copyright notices to students <sup>4265</sup>
Frequency/limits of broadcast/communication/recording	performance or display is in an amount comparable to that which is typically displayed in the course of a live classroom session <sup>4266</sup>  transmission is made solely for, and, to the extent technologically feasible, its reception is limited to officially enrolled students and officers or employees of governmental bodies as part of their official duties <sup>4267</sup>  (for digital transmissions) transmitting body/institution applies technological measures that reasonably prevent retention of the work for longer than the class session, and unauthorised further dissemination, <sup>4268</sup> and does not interfere with technological measures used by copyright owners to this end <sup>4269</sup>
Preclusions (not part of broadcast/communication/recording)	work is one produced or marketed primarily for performance or display as part of mediated instructional activities transmitted via digital networks, <sup>4270</sup> or  a performance or display that is given by means of a copy or phonorecord that is not lawfully made and acquired under this title, and the transmitting government body or accredited nonprofit educational institution knew or had reason to believe was not lawfully made and acquired
Subject to Attribution	
Subject to Remuneration	not required ("not infringements of copyright")

Provision	s 107
Scope of broadcast/communication/recording	fair use, including such use by reproduction in copies or phonorecords or by any other means specified by [ss 106 and 106A]
Type(s) of source work(s)	a copyrighted work (the fact that a work is unpublished shall not itself bar a finding of fair use)

<sup>4265</sup> S 110(2)(D)(i)

<sup>4266</sup> S 110(2).

<sup>4267</sup> S 110(2)(C).

<sup>4268</sup> S 110(2)(D)(ii)(I).

<sup>4269</sup> S 110(2)(D)(ii)(II). The effect of this requirement, read with the requirement above about reasonable and limited portions of other works, is that even if the source work is an analogue audiovisual work to which no technological measures are applied, while it can be digitized (by the entity) for digital transmissions, only "reasonable and limited portions" of it can be transmitted. See, e.g., University of Texas, Copyright Crash Course, <https://copyright.lib.utexas.edu/teachact.html>.

<sup>4270</sup> S 110(2).

Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	purposes such as teaching (including multiple copies for classroom use), scholarship, or research
Condition of broadcast/communication/recording	to determine if use is fair use, factors to be considered shall include: (a) the purpose and character of the use, including whether such use is of a commercial nature or for non-profit educational purposes; (b) the nature of the copyright work; (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; (d) the effect of the use upon the potential market for or value of the work.
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("is not an infringement of copyright")

Provision	Federal Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes, Oct. 14, 1981 <sup>4271</sup>
Scope of broadcast/communication/recording	off-air recording and retention of recording
Type(s) of source work(s)	a "broadcast program" <sup>4272</sup> (simultaneously with broadcast transmission, including simultaneous cable retransmission)
Entity exercising broadcast/communication/recording	non-profit educational institutions <sup>4273</sup>
Purpose of broadcast/communication/recording	educational purposes – used for teaching activities, and for teacher evaluation purposes
Condition of broadcast/communication/recording	no alteration of recorded programs from their original content, or physically or electronically

<sup>4271</sup> Federal Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes, Oct. 14, 1981, Congressional Record, E4750-E4752, available at <http://policy.ucop.edu/doc/2100006/BroadcastRecording>. The guidelines reflect the consensus of the negotiating committee, consisting of representatives from educational organizations, copyright proprietors and creative guilds and unions, as to the application of fair use in s 107 to the recording, retention and use of television broadcast programs for educational purposes.

<sup>4272</sup> Para. 2 (defining "broadcast programs" as television programs transmitted by television stations for reception by the general public without charge). The guidelines do not cover public domain programs, such as daily network newscasts. Many producers of public education programs, especially those receiving State support, licence non-profit educational institutions to tape their programs without a fee, such as those programs funded by the California Public Broadcasting Commission (CPBC) contract or grant or the California Council for the Humanities (CPBC/CCH) joint fund. See, e.g., the University of California Policy: Off-Air Recording of Broadcast Programming for Educational Purposes, Sep. 24, 1985, available at <http://policy.ucop.edu/doc/2100006/BroadcastRecording>.

<sup>4273</sup> Para. 1.

	<p>combined to constitute teaching anthologies or compilations<sup>4274</sup></p> <p>educational institutions to establish appropriate control procedures to maintain the integrity of these guidelines<sup>4275</sup></p>
Frequency/limits of broadcast/communication/recording	<p>broadcast program may be recorded and retained for not more than 45 days (from date of recording) ("retention period")<sup>4276</sup></p> <p>off-air recordings may only be made at request of and used by individual teachers (no regular recording or anticipated recording)<sup>4277</sup></p> <p>no broadcast program may be recorded off-air more than once at the request of the same teacher<sup>4278</sup></p> <p>a limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines<sup>4279</sup></p> <p>during first 10 consecutive school days in retention period, off-air recordings may be used by individual teachers in the course of relevant teaching activities, and repeated once only for instructional reinforcement, in classrooms and similar places devoted to instruction<sup>4280</sup></p> <p>after first 10 consecutive school days, to the end of retention period, off-air recordings may only be used for teacher evaluation purposes (to determine whether or not to include broadcast program in teaching curriculum)<sup>4281</sup></p>
Preclusions (not part of broadcast/communication/recording)	<p>programs available only from cable television services<sup>4282</sup></p> <p>off-air recordings for student exhibition or non-evaluation purposes without authorisation<sup>4283</sup></p>
Subject to Attribution	<p>all copies to include copyright notice on broadcast programs as recorded<sup>4284</sup></p>

<sup>4274</sup> Para. 7.

<sup>4275</sup> Para. 9. Schools are required to document their compliance, including the making and keeping of records of teacher requests, dates of taping, times shown and number of copies made. The guidelines do not require formal enforcement.

<sup>4276</sup> Para. 2.

<sup>4277</sup> Para. 4.

<sup>4278</sup> Para. 4.

<sup>4279</sup> Para. 5.

<sup>4280</sup> Para. 3. This includes homes of students receiving formalized home instruction.

<sup>4281</sup> Para. 6.

<sup>4282</sup> Since these are subscription only and not "broadcast programs ... for reception by the general public without charge".

<sup>4283</sup> Para. 6.

<sup>4284</sup> Para. 9.

Subject to Remuneration	not required ("The following guidelines reflect ... consensus as to the application of fair use to the recording, retention, and use of television broadcast programs for educational purposes")
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8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

Provision	s 1201(d)
Scope of TPM/RMI restriction	circumventing technological access control measure
Type(s) of source work(s)	a commercially exploited copyrighted work (not reasonably available in non-technologically protected form) <sup>4285</sup>
Beneficiary exercising restriction	a nonprofit library, archives, or educational institution
Purpose of restriction	sole purpose of making an acquisition decision in relation to the work
Condition of restriction	copy of work to which access has been so gained "may not be retained longer than necessary to make such good faith determination" <sup>4286</sup> and "may not be used for any other purpose" <sup>4287</sup>  beneficiary does not circumvent technological access control measure wilfully for the purposes of commercial advantage or financial gain <sup>4288</sup>  beneficiary not permitted to manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, component, or part thereof, which circumvents a technological measure <sup>4289</sup>
Provision	s 1201(g)
Scope of TPM/RMI restriction	circumventing technological access control measure
Type(s) of source work(s)	technological measure applied to a copy, phonorecord, performance, or display of a published work
Beneficiary exercising restriction	a person engaged in a legitimate course of study, is employed, or is trained or experienced, in the field of encryption technology <sup>4290</sup>

<sup>4285</sup> S 1201(d)(2).<sup>4286</sup> S 1201(d)(1)(A).<sup>4287</sup> S 1201(d)(1)(B).<sup>4288</sup> S 1201(d)(3).<sup>4289</sup> S 1201(d)(4).<sup>4290</sup> S 1201(g)(3)(B).



Purpose of restriction	good faith “encryption research” <sup>4291</sup> (into encryption technology <sup>4292</sup> )
Condition of restriction	circumvention relates to lawfully obtained encrypted copy etc. of work <sup>4293</sup>  circumvention is necessary to conduct such research <sup>4294</sup>  person has made good faith effort to obtain authorisation before circumvention <sup>4295</sup>  circumvention act does not constitute copyright infringement or violation of applicable law (including the Computer Fraud and Abuse Act) <sup>4296</sup>

Provision	s 1203
Scope of TPM/RMI restriction	court shall remit damages for an action [in damages for breach of TPM and RMI] <sup>4297</sup> in any case in which entity sustains burden of proving, and court finds, that entity was not aware and had no reason to believe that its acts constituted a violation
Type(s) of source work(s)	
Beneficiary exercising restriction	the library, archives, educational institution, or public broadcasting
Purpose of restriction	
Condition of restriction	

Provision	s 1204
Scope of TPM/RMI restriction	entity shall not be liable for violation of ss 1201 and 1202 [circumvention of TPM and breach of integrity of RMI] willfully and for purposes of commercial advantage or private financial gain
Type(s) of source work(s)	
Beneficiary exercising restriction	a nonprofit library, archives, educational institution, or public broadcasting entity <sup>4298</sup>
Purpose of restriction	
Condition of restriction	

<sup>4291</sup> S 1201(g)(1)(A) (defining “encryption research” as activities necessary to identify and analyze flaws and vulnerabilities of encryption technologies applied to copyrighted works, if these activities are conducted to advance the state of knowledge in the field of encryption technology or to assist in the development of encryption products).

<sup>4292</sup> S 1201(g)(1)(B) (defining “encryption technology” as the scrambling and descrambling of information using mathematical formulas or algorithms).

<sup>4293</sup> S 1201(g)(2)(A).

<sup>4294</sup> S 1201(g)(2)(B).

<sup>4295</sup> S 1201(g)(2)(C).

<sup>4296</sup> S 1201(g)(2)(D).

<sup>4297</sup> Ss 1201, 1202.

<sup>4298</sup> S 118(f) (definition).

10. Other Limitations/Exceptions

Provision	s 110 proviso
Scope of other limitation/exception	no entity shall be liable for infringement by reason of transient or temporary storage of material carried out through the automatic technical process of a digital transmission of performance or display of that material as authorized under s 110(2)
Type(s) of source work(s)	
Entity entitled to limitation/exception	governmental body or accredited nonprofit educational institution
Purpose of limitation/exception	where digital transmission of performance or display is directly related and of material assistance to the teaching content of the transmission
Condition of limitation/exception	
Frequency/copies and limits	
Preclusions (not part of limitation/exception)	
Provision	s 512(e)
Scope of other limitation/exception	faculty member or graduate student of institution [entity] performing a teaching or research function shall: - be considered a person other than the institution for s 512(a), (b) - not have his knowledge or awareness of infringing activities attributed to the institution for s 512(c), (d)
Type(s) of source work(s)	
Entity entitled to limitation/exception	a public or other nonprofit institution of higher education as a [network] service provider
Purpose of limitation/exception	
Condition of limitation/exception	for s 512(c), (d): faculty member/graduate student not provide online access to required/recommended instructional materials, within preceding 3-year period, for course taught by such faculty member/graduate student; institution has not, within preceding 3-year period, received more than 2 s 512(c)(3) notifications of claimed infringement by such faculty member/graduate student, and such notifications were not actionable under s 512(f); and institution provides to all users informational materials that accurately describe, and promote compliance with, laws of the United States relating to copyright
Frequency/copies and limits	
Preclusions (not part of limitation/exception)	
Provision	s 504

Scope of other limitation/exception	court shall remit statutory damages in any case where infringer entity believed and had reasonable grounds for believing that his use of copyrighted work was a fair use under section 107
Type(s) of source work(s)	
Entity entitled to limitation/exception	infringer entity was an employee or agent of a nonprofit educational institution, library, or archives acting within the scope of his or her employment who, or such institution, library, or archives itself, which infringed by reproducing the work in copies or phonorecords
Purpose of limitation/exception	
Condition of limitation/exception	
Frequency/copies and limits	
Preclusions (not part of limitation/exception)	

## Uruguay

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 10, 1967 (Paris Act (1971): December 28, 1979)

WIPO Copyright Treaty: June 5, 2009

WIPO Performances and Phonograms Treaty: August 28, 2008

Legislation:

Law No. 9.739 of 17 December 1937 on Copyright (as last amended by Law No. 18.046 of October 24, 2006)

### 2. Private/Personal Use

Provision	Art. 44.B,1
Scope of private/personal use	performance
Type(s) of source work(s)	works in any form and by any means
Entity exercising private/personal use	
Purpose of private/personal use	made within strictly family gatherings
Condition of private/personal use	performance takes place outside the domestic environment <sup>4299</sup>  gathering shall not have gainful intent  no disco, audio service or alike shall be used  any live performer shall participate in the gathering  only domestic (non-professional) music apparatus shall be used
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("shall be considered to be lawful")

### 3. Quotations

Provision	Art. 45.4
Scope of quotation	transcriptions
Type(s) of source work(s)	
Entity exercising quotation	
Purpose of quotation	intended for comments, reviews or polemics
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	

<sup>4299</sup> Art. 44.B.1 (providing that any performance shall be considered to be made in a public place where it takes place outside the domestic environment).

Subject to Remuneration	not required ("is not unlawful")
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4. Research/Educational Reproduction5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 45.1
Scope of anthologies/compilations limitation/exception	publication by [radio or] the press, of works intended for teaching
Type(s) of source work(s)	extracts, fragments of poetry and separate articles
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	intended for teaching
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	author
Subject to Remuneration	not required ("Reproduction is not unlawful")
Provision	Art. 45.2
Scope of anthologies/compilations limitation/exception	publication by [radio or] the press
Type(s) of source work(s)	oral lessons given by [inter alia] teachers
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	
Subject to Attribution	
Subject to Remuneration	not required ("Reproduction is not unlawful")

6. School Performances

Provision	Art. 44.B,1
Scope of school performance	performance
Type(s) of source work(s)	works in any form and by any means
Entity exercising school performance	
Purpose of school performance	gatherings that take place in teaching institutions, whether public or private
Condition of school performance	gathering does not have gainful intent
Preclusions (not part of school performance)	
Subject to Attribution	

Subject to Remuneration	not required ("shall be considered to be lawful")
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7. Educational Broadcasts/Communications/Recordings

Provision	Art. 45.1
Scope of broadcast/communication/recording	broadcast by radio [or the press], of works intended for teaching
Type(s) of source work(s)	extracts, fragments of poetry and separate articles
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	intended for teaching
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	author
Subject to Remuneration	not required ("Reproduction is not unlawful")
Provision	Art. 45.2
Scope of broadcast/communication/recording	broadcast by radio [or the press]
Type(s) of source work(s)	oral lessons given by [inter alia] teachers
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("Reproduction is not unlawful")

8. Compulsory Licences for Educational Reproductions and Translations

9. TPM/RMI Exceptions for Educational Purposes

## Uzbekistan

### 1. Treaties & Legislation

Treaties:

Berne Convention: April 19, 2005 (Paris Act (1971): April 19, 2005)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law of the Republic of Uzbekistan No. 42 of July 20, 2006 on Copyright and Related Rights

### 2. Private/Personal Use

Provision	Arts. 33, 53.2 <sup>4300</sup>
Scope of private/personal use	reproduction
Type(s) of source work(s)	audiovisual work or phonorecord, (performance, broadcast) <sup>4301</sup>
Entity exercising private/personal use	(natural person) <sup>4302</sup>
Purpose of private/personal use	personal purposes
Condition of private/personal use	no extraction of revenue
Frequency/copies and limits	
Preclusions (not part of private/personal use)	architectural works in the form of buildings and constructions, databases or their essential parts, computer software programs (except as specified), books (in whole) and musical texts <sup>4303</sup>  on condition that this will not make any unjustified damage to normal use of work and do not infringe by unreasonable manner the legal interests of author <sup>4304</sup>
Subject to Attribution	
Subject to Remuneration	remuneration <sup>4305</sup> payable by producer and importers of equipment (audio or video tape recorders, and other equipment) and tangible mediums (audio and (or) video tapes and cassettes, cd, and other tangible mediums), to account of CMOs, <sup>4306</sup> to be distributed among authors, executors [performers], producers of

<sup>4300</sup> Art. 53.2 describes the use for personal purposes as “without payment of remuneration” but Art. 33 describes this use of related rights as with “remuneration”.

<sup>4301</sup> Art. 53.2.

<sup>4302</sup> Art. 53.2.

<sup>4303</sup> Art. 25.

<sup>4304</sup> Art. 24.

<sup>4305</sup> Art. 33.1.

<sup>4306</sup> Art. 33.3.

	phonorecords, manufacturers of audiovisual records <sup>4307</sup>
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### 3. Quotations

Provision	Art. 26.1(i)
Scope of quotation	quotation, in original and in translation
Type(s) of source work(s)	a work, including the reproduction of passages of newspaper and journal articles in form of print sample
Entity exercising quotation	
Purpose of quotation	scientific, research, polemic, crucial and not related to advertising information purposes of proclaimed works in volume
Condition of quotation	justified by quotation purpose
Preclusions (not part of quotation)	use did not damage the normal use of the work and the legal interests of author are not restrained <sup>4308</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("free use of work")
Provision	Art. 53.1(iii)
Scope of quotation	quotation
Type(s) of source work(s)	small extracts of performances, phonorecords, transmissions of organization of on-the-air and cable broadcasting
Entity exercising quotation	
Purpose of quotation	scientific, research, polemic, critical or information purposes
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

### 4. Research/Educational Reproduction

Provision	Art. 27(ii)
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	particular articles and small-scale works, published in collections, newspapers, and in the other periodicals, short extracts of published written works (with illustrations or without)
Entity exercising reproduction	educational institutions
Purpose of educational reproduction	for class hours
Condition of reproduction	without the purpose of deriving the revenue
Frequency/copies and limits	a single copy

<sup>4307</sup> Art. 33 para. 2 (providing that rates of collecting levy as remuneration and terms and procedure for its collection are established by the cabinet of ministers of Uzbekistan). Art. 33 para. 4 provides that the proportion of remuneration distributed is authors (40%), executors (30%), producers of phonorecords/manufacturers of audiovisual works (30%).

<sup>4308</sup> Art. 26.1. See also Art. 24.



Preclusions (not part of research/educational reproduction)	on condition that this will not make any unjustified damage to normal use of work and do not infringe by unreasonable manner the legal interests of author <sup>4309</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("without payment of remuneration")

Provision	Art. 53.1(ii)
Scope of research/educational reproduction	use
Type(s) of source work(s)	performance [execution], on-the-air transmissions, cable broadcasting and their records, phonorecords and their reproductions
Entity exercising reproduction	
Purpose of educational reproduction	exceptionally with a view of training or scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	Art. 26.1(ii)
Scope of anthologies/compilations limitation/exception	use, as illustrations in editions
Type(s) of source work(s)	works or passages of such works
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	educational and training character in volume
Condition of anthologies/compilations limitation/exception	use justified by stated goal
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	use did not damage the normal use of the work and the legal interests of author are not restrained <sup>4310</sup>
Subject to Attribution	source, author
Subject to Remuneration	not required ("free use of work")

<sup>4309</sup> Art. 24.

<sup>4310</sup> Art. 26.1. See also Art. 24.

6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	Art. 53.1(ii)
Scope of broadcast/communication/recording	use
Type(s) of source work(s)	performance [execution], on-the-air transmissions, cable broadcasting and their records, phonorecords and their reproductions
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	exceptionally with a view of training or scientific research
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("without payment of remuneration")
Provision	Art. 26.1(ii)
Scope of broadcast/communication/recording	use, as illustrations in radio or tv-programs, audio or videotapings
Type(s) of source work(s)	promulgated works or passages of such works
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	educational and training character in volume
Condition of broadcast/communication/recording	use justified by stated goal
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	use did not damage the normal use of the work and the legal interests of author are not restrained
Subject to Attribution	source, author
Subject to Remuneration	not required ("free use of work")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes

## Vanuatu

### 1. Treaties & Legislation

Treaties:

Berne Convention: December 27, 2012 (Paris Act (1971): December 27, 2012)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright and Related Rights Act 2000 (No. 42 of 2000; version dated 8 February 2011)

### 2. Private/Personal Use

Provision	s 10
Scope of private/personal use	reproduce
Type(s) of source work(s)	a published work, (a performance, phonogram, sound recording, broadcast) <sup>4311</sup>
Entity exercising private/personal use	an individual
Purpose of private/personal use	exclusively for his own personal purposes
Condition of private/personal use	
Frequency/copies and limits	in a single copy
Preclusions (not part of private/personal use)	a work of architecture in the form of a building or other construction, whole or substantial part of a book or musical notation, whole or substantial part of a database, computer program <sup>4312</sup> , any work where "reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the owner of copyright"
Subject to Attribution	
Subject to Remuneration	not required ("not an infringement")

### 3. Quotations

Provision	s 12
Scope of quotation	reproduction
Type(s) of source work(s)	a short part of a published work, (a performance, phonogram, sound recording, broadcast) <sup>4313</sup>
Entity exercising quotation	
Purpose of quotation	in the form of quotation
Condition of quotation	reproduction is compatible with fair practice

<sup>4311</sup> s 32(1)(d) (acts pertaining to related rights to not apply if they related to a work and are not an infringement of copyright in the work).

<sup>4312</sup> S 16 (excepting use of the computer program and for backup/archival purposes).

<sup>4313</sup> s 32(1)(d) (acts pertaining to related rights to not apply if they related to a work and are not an infringement of copyright in the work).

	reproduction does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if indicated on source)
Subject to Remuneration	not required ("not ... an infringement")
Provision	s 15(6)
Scope of quotation	fair dealing <sup>4314</sup>
Type(s) of source work(s)	a work, (a performance, phonogram, sound recording, broadcast) <sup>4315</sup>
Entity exercising quotation	
Purpose of quotation	for purpose of criticism or review, whether of that work or of another work
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author (if practicable)
Subject to Remuneration	not required ("not constitute an infringement")

#### 4. Research/Educational Reproduction

Provision	s 13(1)
Scope of research/educational reproduction	reproduction, by way of illustration, in writing
Type(s) of source work(s)	a short part of a published work, (a performance, phonogram, sound recording, broadcast) <sup>4316</sup>
Entity exercising reproduction	educational institution
Purpose of educational reproduction	teaching purposes
Condition of reproduction	reproduction is compatible with fair practice  no collective licence available to educational institution to reproduce the works
Frequency/copies and limits	reproduction does not exceed the extent justified by the purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	source, author (as far as practicable)
Subject to Remuneration	not required ("not an infringement of the copyright")

Provision	s 13(3)
Scope of research/educational reproduction	fair dealing

<sup>4314</sup> s 44(2) (providing for regulations which prescribe fair dealings with works that do not constitute an infringement of the copyright in the work, and prescribe fair dealings in relation to performances, sound recordings or broadcasts that do not constitute an infringement of a protected right).

<sup>4315</sup> s 32(1)(d) (acts pertaining to related rights to not apply if they related to a work and are not an infringement of copyright in the work).

<sup>4316</sup> s 32(1)(d) (acts pertaining to related rights to not apply if they related to a work and are not an infringement of copyright in the work).

Type(s) of source work(s)	a work, (a performance, phonogram, sound recording, broadcast) <sup>4317</sup>
Entity exercising reproduction	
Purpose of educational reproduction	purpose of research or study
Condition of reproduction	[subject to regulations] <sup>4318</sup>
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("not constitute an infringement of the copyright")

Provision	s 32(1)(b)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a performance, phonogram, sound recording, broadcast
Entity exercising reproduction	
Purpose of educational reproduction	solely for scientific research
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] do not apply")

Provision	s 32(1)(c)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a performance, phonogram, sound recording, broadcast, except for performances and phonograms which have been published as teaching or instructional materials
Entity exercising reproduction	
Purpose of educational reproduction	solely for the purpose of teaching activities
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("[neighbouring rights] do not apply")

<sup>4317</sup> s 32(1)(d) (acts pertaining to related rights to not apply if they related to a work and are not an infringement of copyright in the work).

<sup>4318</sup> s 44(2) (providing for regulations which prescribe fair dealings with works that do not constitute an infringement of the copyright in the work, and prescribe fair dealings in relation to performances, sound recordings or broadcasts that do not constitute an infringement of a protected right).

5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	s 13(1)
Scope of broadcast/communication/recording	reproduction, by way of illustration, in sound or visual recordings
Type(s) of source work(s)	a short part of a published work, (a performance, phonogram, sound recording, broadcast) <sup>4319</sup>
Entity exercising broadcast/communication/recording	educational institution
Purpose of broadcast/communication/recording	teaching purposes
Condition of broadcast/communication/recording	reproduction is compatible with fair practice no collective licence available to educational institution to reproduce the works
Frequency/limits of broadcast/communication/recording	reproduction does not exceed the extent justified by the purpose
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	source, author (as far as practicable)
Subject to Remuneration	not required ("not an infringement of the copyright")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes


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<sup>4319</sup> s 32(1)(d) (acts pertaining to related rights to not apply if they related to a work and are not an infringement of copyright in the work).

## Venezuela (Bolivarian Republic of)

### 1. Treaties & Legislation

Treaties:

Berne Convention: December 30, 1982 (Paris Act (1971): December 30, 1982)

WIPO Copyright Treaty: signed December 20, 1996

WIPO Performances and Phonograms Treaty: signed December 20, 1996

Legislation:

Law on Copyright (of August 14, 1993)

### 2. Private/Personal Use

Provision	Art. 43.1
Scope of private/personal use	communication
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast) <sup>4320</sup>
Entity exercising private/personal use	
Purpose of private/personal use	occurring in a domestic environment
Condition of private/personal use	no profit-making purpose
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("lawful communications")

Provision	Art. 44.1
Scope of private/personal use	reproduction
Type(s) of source work(s)	a printed, sound or audiovisual work, (a performance, phonogram, broadcast) <sup>4321</sup>
Entity exercising private/personal use	
Purpose of private/personal use	exclusive personal use of the user
Condition of private/personal use	copy is made by person with his own facilities
Frequency/copies and limits	in one copy
Preclusions (not part of private/personal use)	computer program <sup>4322</sup>
Subject to Attribution	
Subject to Remuneration	not required ("lawful reproductions")
Provision	Art. 44.2
Scope of private/personal use	photomechanical reproduction, as by photocopying and microfilm
Type(s) of source work(s)	small parts of a protected work or works that are out of print, (a performance, phonogram, broadcast) <sup>4323</sup>

<sup>4320</sup> Art. 91.1 (applying limitations on rights of exploitation in relation to copyright to neighbouring rights).

<sup>4321</sup> Art. 91.1 (applying limitations on rights of exploitation in relation to copyright to neighbouring rights).

<sup>4322</sup> Art. 44(5) (excepting for backup/archival purposes).

<sup>4323</sup> Art. 91.1 (applying limitations on rights of exploitation in relation to copyright to neighbouring rights).

Entity exercising private/personal use	
Purpose of private/personal use	personal purposes <sup>4324</sup>
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	equitable remuneration that the companies, institutions and other organizations offering photocopying and microfilming service to the public have to pay to the owners of the right of reproduction
Provision	Art. 44.8
Scope of private/personal use	copying
Type(s) of source work(s)	works of art, (a performance, phonogram, broadcast) <sup>4325</sup>
Entity exercising private/personal use	
Purpose of private/personal use	strictly for the purposes of study
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("lawful reproductions")

### 3. Quotations

Provision	Art. 46.1
Scope of quotation	inclusion, in an original scientific work
Type(s) of source work(s)	an already published work, (a performance, phonogram, broadcast) <sup>4326</sup>
Entity exercising quotation	
Purpose of quotation	with a view to the clarification of the contents thereof
Condition of quotation	to the extent justified by that purpose
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("shall ... be lawful")

Provision	Art. 46.1
Scope of quotation	reproduction
Type(s) of source work(s)	a work of art that has not been published but is permanently on public display
Entity exercising quotation	
Purpose of quotation	with a view to the clarification of the contents thereof
Condition of quotation	to the extent justified by that purpose
Preclusions (not part of quotation)	

<sup>4324</sup> Art. 44.2 (providing that "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").

<sup>4325</sup> Art. 91.1 (applying limitations on rights of exploitation in relation to copyright to neighbouring rights).

<sup>4326</sup> Art. 91.1 (applying limitations on rights of exploitation in relation to copyright to neighbouring rights).



Subject to Attribution	source, author
Subject to Remuneration	not required ("shall ... be lawful")

Provision	Art. 46.2
Scope of quotation	quotation, in an original work
Type(s) of source work(s)	certain parts of an already disclosed work, (a performance, phonogram, broadcast) <sup>4327</sup>
Entity exercising quotation	
Purpose of quotation	author has made use of language as a means of expression in the original work
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	source, author
Subject to Remuneration	not required ("shall ... be lawful")

#### 4. Research/Educational Reproduction

Provision	Art. 44.3
Scope of research/educational reproduction	reprographic reproduction
Type(s) of source work(s)	articles, brief extracts from works or lawfully published short works
Entity exercising reproduction	
Purpose of educational reproduction	teaching or holding of examinations in educational institutions
Condition of reproduction	no profit-making purposes use is in keeping with proper practice
Frequency/copies and limits	to extent justified by the purpose
Preclusions (not part of research/educational reproduction)	
Subject to Attribution	
Subject to Remuneration	not required ("lawful reproductions")

#### 5. Educational Publications/Anthologies/Compilations/Composite Works

#### 6. School Performances

Provision	Art. 43.3
Scope of school performance	communication [includes "stage performance, recitation, reading and public enactment of dramatic, dramatico-musical, literary and musical works by any means or process" and "public screening or showing of cinematographic and other audiovisual works"] <sup>4328</sup>
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast) <sup>4329</sup>

<sup>4327</sup> Art. 91.1 (applying limitations on rights of exploitation in relation to copyright to neighbouring rights).

<sup>4328</sup> Arts. 40.1 and 40.2 respectively.

<sup>4329</sup> Art. 91.1 (applying limitations on rights of exploitation in relation to copyright to neighbouring rights).

Entity exercising school performance	educational establishments
Purpose of school performance	strictly scientific and teaching purposes
Condition of school performance	no gainful intent
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("lawful communications")

#### 7. Educational Broadcasts/Communications/Recordings

Provision	Art. 43.3
Scope of broadcast/communication/recording	communication <sup>4330</sup>
Type(s) of source work(s)	a work, (a performance, phonogram, broadcast) <sup>4331</sup>
Entity exercising broadcast/communication/recording	educational establishments
Purpose of broadcast/communication/recording	strictly scientific and teaching purposes
Condition of broadcast/communication/recording	no gainful intent
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	
Subject to Attribution	
Subject to Remuneration	not required ("lawful communications")

#### 8. Compulsory Licences for Educational Reproductions and Translations

#### 9. TPM/RMI Exceptions for Educational Purposes

<sup>4330</sup> Art. 40.9 (defining "communication to the public" as including dissemination, by any known or future process, of signs, words, sounds or images).

<sup>4331</sup> Art. 91.1 (applying limitations on rights of exploitation in relation to copyright to neighbouring rights).

## Viet Nam

### 1. Treaties & Legislation

Treaties:

Berne Convention: October 26, 2004 (Paris Act (1971): October 26, 2004)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Law No. 50/2005/QH11 of November 29, 2005, on Intellectual Property (promulgated by the Order No. 28/2005/L-CTN of December 12, 2005, of the President of the Socialist Republic of Vietnam)

### 2. Private/Personal Use

### 3. Quotations

Provision	Art. 25.1.b
Scope of quotation	reasonable recitation
Type(s) of source work(s)	published works
Entity exercising quotation	
Purpose of quotation	commentary or illustrative purpose
Condition of quotation	without misrepresenting the authors' views
Preclusions (not part of quotation)	not apply to architectural works, plastic works and computer programs  use "must neither affect the normal utilization of such works nor cause prejudice to rights of the authors and/or copyright holders" <sup>4332</sup>
Subject to Attribution	source/origin, author <sup>4333</sup>
Subject to Remuneration	not required ("payment of royalties ... not required")

### 4. Research/Educational Reproduction

Provision	Art. 25.1.a
Scope of research/educational reproduction	duplication
Type(s) of source work(s)	published works
Entity exercising reproduction	
Purpose of educational reproduction	scientific research or teaching purpose
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	not apply to architectural works, plastic works and computer programs

<sup>4332</sup> Art. 25.2.

<sup>4333</sup> Art. 25.2.

	use “must neither affect the normal utilization of such works nor cause prejudice to rights of the authors and/or copyright holders” <sup>4334</sup>
Subject to Attribution	source/origin, author <sup>4335</sup>
Subject to Remuneration	not required ("payment of royalties ... not required")
Provision	Art. 25.1.d
Scope of research/educational reproduction	recitation
Type(s) of source work(s)	published works
Entity exercising reproduction	in schools
Purpose of educational reproduction	lecturing purposes
Condition of reproduction	without misrepresenting the authors' views  not for commercial purpose
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	not apply to architectural works, plastic works and computer programs  use “must neither affect the normal utilization of such works nor cause prejudice to rights of the authors and/or copyright holders” <sup>4336</sup>
Subject to Attribution	source/origin, author <sup>4337</sup>
Subject to Remuneration	not required ("payment of royalties ... not required")
Provision	Art. 32.1.a
Scope of research/educational reproduction	duplication
Type(s) of source work(s)	works by authors [sic], performances, phonograms, video recordings, broadcasts
Entity exercising reproduction	
Purpose of educational reproduction	scientific research purpose
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	use “must neither affect the normal utilization of performances, phonograms, video recordings or broadcasts, nor cause any prejudice to the rights of performers, producers of phonograms and video recordings, and broadcasting organizations” <sup>4338</sup>
Subject to Attribution	
Subject to Remuneration	not required ("payment of royalties and/or remunerations ... not required")
Provision	Art. 32.1.b
Scope of research/educational reproduction	duplication

<sup>4334</sup> Art. 25.2.<sup>4335</sup> Art. 25.2.<sup>4336</sup> Art. 25.2.<sup>4337</sup> Art. 25.2.<sup>4338</sup> Art. 32.2.

Type(s) of source work(s)	works by authors [sic], performances, phonograms, video recordings, broadcasts (except for performances, phonograms, video recordings or broadcasts which have been published for teaching purpose)
Entity exercising reproduction	
Purpose of educational reproduction	teaching purpose
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	use "must neither affect the normal utilization of performances, phonograms, video recordings or broadcasts, nor cause any prejudice to the rights of performers, producers of phonograms and video recordings, and broadcasting organizations" <sup>4339</sup>
Subject to Attribution	
Subject to Remuneration	not required ("payment of royalties and/or remunerations ... not required")

5. Educational Publications/Anthologies/Compilations/Composite Works6. School Performances7. Educational Broadcasts/Communications/Recordings

Provision	Art. 25.1.g
Scope of broadcast/communication/recording	audiovisual recording
Type(s) of source work(s)	performances
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for teaching purpose
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	use "must neither affect the normal utilization of such works nor cause prejudice to rights of the authors and/or copyright holders" <sup>4340</sup>
Subject to Attribution	source/origin, author <sup>4341</sup>
Subject to Remuneration	not required ("payment of royalties ... not required")

8. Compulsory Licences for Educational Reproductions and Translations9. TPM/RMI Exceptions for Educational Purposes<sup>4339</sup> Art. 32.2.<sup>4340</sup> Art. 25.2.<sup>4341</sup> Art. 25.2.

## Yemen

### 1. Treaties & Legislation

Treaties:

Berne Convention: July 14, 2008 (Paris Act (1971): July 14, 2008)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Intellectual Property Law (Presidential Law Decree No. 19 of 1994 in respect of Intellectual Property)

### 2. Private/Personal Use

Provision	Art. 15.2
Scope of private/personal use	reading, quoting paragraphs or chapters, summarizing them
Type(s) of source work(s)	a published work
Entity exercising private/personal use	
Purpose of private/personal use	for personal knowledge or for using them in studies and research
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	title, author, place and date of issue, chapter/para/page number <sup>4342</sup>
Subject to Remuneration	

### 3. Quotations

Provision	Art. 28
Scope of quotation	quotation
Type(s) of source work(s)	a published work
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	title, author, place and date of issue, chapter/para/page number <sup>4343</sup>
Subject to Remuneration	not required <sup>4344</sup>

### 4. Research/Educational Reproduction

### 5. Educational Publications/Anthologies/Compilations/Composite Works

<sup>4342</sup> Art. 15.2.

<sup>4343</sup> Art. 15.2.

<sup>4344</sup> Presumably if quotation complies with attribution requirements, it is not an infringement and no penalty or compensation is payable.

Provision	Art. 16
Scope of anthologies/compilations limitation/exception	used for forming a new independent work
Type(s) of source work(s)	a published work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	as regards innovation
Condition of anthologies/compilations limitation/exception	
Frequency/copies and limits	
Preclusions (not part of anthologies/compilations limitation/exception)	converting a novel to a play or to a scenario or vice versa, converting a play into a scenario or vice versa, changing a poem to a song and vice versa
Subject to Attribution	author
Subject to Remuneration	not required ("without paying the authorship remuneration")

6. School Performances
7. Educational Broadcasts/Communications/Recordings
8. Compulsory Licences for Educational Reproductions and Translations
9. TPM/RMI Exceptions for Educational Purposes

## Zambia

### 1. Treaties & Legislation

Treaties:

Berne Convention: January 2, 1992 (Paris Act (1971): January 2, 1992)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

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

Copyright and Performance Rights (Amendment) Act, 2010 (Act No. 25 of 2010)

### 2. Private/Personal Use

Provision	ss 21(1)(a), 50(1)(a)
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a work, (a performance, recording) <sup>4345</sup>
Entity exercising private/personal use	an individual
Purpose of private/personal use	private study or research for his personal purposes
Condition of private/personal use	otherwise than for profit
Frequency/copies and limits	
Preclusions (not part of private/personal use)	any act which "conflicts with the normal commercial exploitation of a work/performance; or unreasonably prejudices the legitimate commercial interests of the owner of the copyright/performer/holder of recording right in a work" shall not be treated as fair dealing with the work <sup>4346</sup>
Subject to Attribution	
Subject to Remuneration	not required ("not constitute infringement of copyright")

Provision	s 48(1)(a)
Scope of private/personal use	making a recording
Type(s) of source work(s)	a qualifying performance
Entity exercising private/personal use	a person
Purpose of private/personal use	private and domestic use
Condition of private/personal use	
Frequency/copies and limits	the whole or any substantial part
Preclusions (not part of private/personal use)	
Subject to Attribution	
Subject to Remuneration	not required ("otherwise [not] infringed ")

<sup>4345</sup> S 50(1)(a). See also s 48(1)(a) ("otherwise than for his private and domestic use").

<sup>4346</sup> Ss 21(2)(i), 50(2).



**3. Quotations**

Provision	ss 21(1)(b), 50(1)(b)
Scope of quotation	fair dealing
Type(s) of source work(s)	a work, (a performance, recording) <sup>4347</sup>
Entity exercising quotation	
Purpose of quotation	criticism or review, whether of that work/performance or any other work/performance
Condition of quotation	
Preclusions (not part of quotation)	any act which "conflicts with the normal commercial exploitation of a work/performance; or unreasonably prejudices the legitimate commercial interests of the owner of the copyright/performer/holder of recording right in a work" shall not be treated as fair dealing with the work <sup>4348</sup>
Subject to Attribution	title, author (unless anonymous or author has required no acknowledgment) <sup>4349</sup> , (performer) <sup>4350</sup>
Subject to Remuneration	not required ("not constitute infringement of copyright")

**4. Research/Educational Reproduction**

Provision	s 21(1)(f)(i)
Scope of research/educational reproduction	reproduction not made by means of an appliance capable of producing multiple copies
Type(s) of source work(s)	a work
Entity exercising reproduction	by a teacher or pupil in the course of instruction
Purpose of educational reproduction	education system of Zambia
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	excepting any act which "conflicts with the normal commercial exploitation of a work; or unreasonably prejudices the legitimate commercial interests of the owner of the copyright in a work" <sup>4351</sup>
Subject to Attribution	
Subject to Remuneration	not required ("not constitute infringement of copyright")

Provision	s 21(1)(f)(ii), (iii)
Scope of research/educational reproduction	reproduction
Type(s) of source work(s)	a work
Entity exercising reproduction	

<sup>4347</sup> S 50(1)(b).<sup>4348</sup> Ss 21(2)(i), 50(2).<sup>4349</sup> S 21(4) (defining "sufficient acknowledgement").<sup>4350</sup> S 50(3).<sup>4351</sup> S 21(2)(ii).

Purpose of educational reproduction	education system of Zambia, as part of the questions to be answered in an examination or in answer to such questions
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	excepting any act which "conflicts with the normal commercial exploitation of a work; or unreasonably prejudices the legitimate commercial interests of the owner of the copyright in a work" <sup>4352</sup>
Subject to Attribution	
Subject to Remuneration	not required ("not constitute infringement of copyright")

5. Educational Publications/Anthologies/Compilations/Composite Works

6. School Performances

Provision	s 21(1)(g)
Scope of school performance	performance
Type(s) of source work(s)	a dramatic work
Entity exercising school performance	staff and students of a school or other educational institution
Purpose of school performance	for the purposes of the education system of Zambia in the course of the activities of the school or institution
Condition of school performance	audience is composed exclusively of staff and students of the school or institution, parents and guardians of the students, other persons directly connected with the activities of the school or institution
Preclusions (not part of school performance)	
Subject to Attribution	
Subject to Remuneration	not required ("not constitute infringement of copyright")

7. Educational Broadcasts/Communications/Recordings

8. Compulsory Licences for Educational Reproductions and Translations

Provision	s 55(2)
Nature of compulsory licence for translation for educational purposes	licence, for translation into a language in general use in Zambia, and publication of such translation in copies
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>4353</sup>

<sup>4352</sup> S 21(2)(ii).

<sup>4353</sup> S 4 (defining "publication" as the making available of copies of the work to the public, whether for gain or not, and explaining that broadcasting, inclusion in a cable program service and making available to the public a film that included the work shall not constitute publication of the work); s 2 (defining "copy" as "reproduction of a work or of an adaptation of a work, whatever the medium in which the reproduction is made or stored").

	no digital dissemination <sup>4354</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	work in printed or analogous form, or an audiovisual work produced solely for the purpose of systematic instruction, is the subject of, or contains material the subject of copyright under this Act <sup>4355</sup>
Licence applicant/entity	a Zambian citizen or company incorporated in Zambia <sup>4356</sup>
Purpose of licence	
Condition of licence	licence application may be made: 3 years from first publication <sup>4357</sup>  work has not been previously translated into a language in general use in Zambia <sup>4358</sup>
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Registrar

Provision	s 55(3)
Nature of compulsory licence for translation for educational purposes	licence, for translation for the purpose of broadcasting, and to broadcast
Scope of compulsory licence for digital copying and dissemination	no digital reproduction no digital publication no digital dissemination (except broadcasting) <sup>4359</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	a literary work subject to copyright, or any material subject to copyright contained in an audiovisual work produced solely for the purposes of systematic instruction <sup>4360</sup>
Licence applicant/entity	a Zambian citizen or company incorporated in Zambia <sup>4361</sup>
Purpose of licence	
Condition of licence	
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Registrar

<sup>4354</sup> No reference to the exclusive right of "communication to the public". S 2 (defining "communication to the public" of a work as including "performance, playing or showing of the work in public;").

<sup>4355</sup> S 55(2)(a), (b).

<sup>4356</sup> S 55(2) proviso.

<sup>4357</sup> S 55(2) proviso.

<sup>4358</sup> S 55(2) proviso.

<sup>4359</sup> S 17 defines the "broadcasting" as an exclusive right separate from the right of "inclusion in a cable program service" and "communication to the public by any other means".

<sup>4360</sup> S 55(3)(a), (b).

<sup>4361</sup> S 55(2) proviso.

Provision	s 55(4)
Nature of compulsory licence for reproduction for educational purposes	licence, for reproduction and distribution in Zambia <sup>4362</sup>
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>4363</sup> no digital dissemination <sup>4364</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	a work in printed or analogous form, or in audiovisual form
Licence applicant/entity	a Zambian citizen or company incorporated in Zambia <sup>4365</sup>
Purpose of licence	
Condition of licence	work has not been previously made available to the public in Zambia for: 3 years from first publication (for works of the natural and physical sciences, mathematics or technology) 7 years from first publication (for works of fiction, poetry, drama or music or art books) 5 years from first publication (in any other case) <sup>4366</sup>
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	Registrar

## 9. TPM/RMI Exceptions for Educational Purposes

<sup>4362</sup> S 55(4) proviso.

<sup>4363</sup> S 4 (defining "publication" as the making available of copies of the work to the public, whether for gain or not, and explaining that broadcasting, inclusion in a cable program service and making available to the public a film that included the work shall not constitute publication of the work); s 2 (defining "copy" as "reproduction of a work or of an adaptation of a work, whatever the medium in which the reproduction is made or stored").

<sup>4364</sup> No reference to the exclusive right of "communication to the public". S 2 (defining "communication to the public" of a work as including "performance, playing or showing of the work in public;").

<sup>4365</sup> S 55(4) proviso.

<sup>4366</sup> S 55(4)(i), (ii), (iii).

## Zimbabwe

### 1. Treaties & Legislation

Treaties:

Berne Convention: April 18, 1980 (Paris Act (1971): December 30, 1981)

WIPO Copyright Treaty: not a party

WIPO Performances and Phonograms Treaty: not a party

Legislation:

Copyright and Neighbouring Rights Act (Chapter 26:05)

### 2. Private/Personal Use

Provision	s 24(1)
Scope of private/personal use	fair dealing
Type(s) of source work(s)	a work
Entity exercising private/personal use	a person
Purpose of private/personal use	research or private study by the person using the work
Condition of private/personal use	
Frequency/copies and limits	
Preclusions (not part of private/personal use)	person reproducing the work 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 <sup>4367</sup>
Subject to Attribution	
Subject to Remuneration	not required ("copyright ... shall not be infringed")

Provision	s 42
Scope of private/personal use	recording
Type(s) of source work(s)	a sound recording/broadcast or a musical work embodied in a sound recording/broadcast, (a performance, performance recording) <sup>4368</sup>
Entity exercising private/personal use	a person
Purpose of private/personal use	private use of himself and members of his family
Condition of private/personal use	recording shall not be distributed to any person outside the family of the person who made it  recording shall not be performed in public
Frequency/copies and limits	
Preclusions (not part of private/personal use)	
Subject to Attribution	

<sup>4367</sup> S 24(2).

<sup>4368</sup> S 73(1)(a) (applying s 42 to exceptions to rights of performers and holders of recording rights).

Subject to Remuneration	(not yet enacted) levy as remuneration payable on blank records (which can be used for recording of works), to be distributed among authors and performers <sup>4369</sup>
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### 3. Quotations

Provision	s 29(1)(a)
Scope of quotation	fair dealing
Type(s) of source work(s)	a work, (a performance, performance recording) <sup>4370</sup>
Entity exercising quotation	
Purpose of quotation	for the purposes of criticism or review of that work or of another work or of the performance of a work
Condition of quotation	
Preclusions (not part of quotation)	
Subject to Attribution	title, author (unless anonymous or infeasible to ascertain identity by reasonable inquiry) <sup>4371</sup>
Subject to Remuneration	not required ("not be infringed")

Provision	s 31
Scope of quotation	any quotation
Type(s) of source work(s)	a literary or musical work, including an article in a journal that summarises the work
Entity exercising quotation	
Purpose of quotation	
Condition of quotation	quotation is compatible with fair practice  quotation does not exceed extent justified by the purpose
Preclusions (not part of quotation)	
Subject to Attribution	title, author (unless anonymous or infeasible to ascertain identity by reasonable inquiry) <sup>4372</sup>
Subject to Remuneration	not required ("not be infringed")

### 4. Research/Educational Reproduction

Provision	s 25(2)
Scope of research/educational reproduction	anything done
Type(s) of source work(s)	a work, (a performance, performance recording) <sup>4373</sup>
Entity exercising reproduction	

<sup>4369</sup> S 135(2)(c)(i), (ii) (providing for regulations which the Minister may provide for this purpose).

<sup>4370</sup> S 73(1)(a) (applying s 29 to exceptions to rights of performers and holders of recording rights).

<sup>4371</sup> S 2 (defining "sufficient acknowledgement").

<sup>4372</sup> S 2 (defining "sufficient acknowledgement").

<sup>4373</sup> S 73(1)(a) (applying s 25(2) to exceptions to rights of performers and holders of recording rights).

Purpose of educational reproduction	an examination by way of setting questions, communicating the questions to the candidates or answering the questions
Condition of reproduction	
Frequency/copies and limits	
Preclusions (not part of research/educational reproduction)	excluding making a copy of the score of a musical work for use by an examination candidate in performing the work  not permitted if act "conflicts with a normal exploitation of the work concerned or prejudices unreasonably the legitimate interests of the owner of copyright in the work" <sup>4374</sup>
Subject to Attribution	
Subject to Remuneration	not required ("not be infringed")

Provision	s 25(6)
Scope of research/educational reproduction	reprographic copying
Type(s) of source work(s)	passages from a literary or musical work
Entity exercising reproduction	educational establishment
Purpose of educational reproduction	purposes of instruction
Condition of reproduction	no copying if, or to extent that, licences/licensing scheme is available authorizing copying and person making copies knows or ought to have been aware of licences <sup>4375</sup>
Frequency/copies and limits	extent of such copying to not exceed such limits as may be prescribed <sup>4376</sup>
Preclusions (not part of research/educational reproduction)	not permitted if act "conflicts with a normal exploitation of the work concerned or prejudices unreasonably the legitimate interests of the owner of copyright in the work" <sup>4377</sup>
Subject to Attribution	
Subject to Remuneration	(not yet enacted) levy as remuneration payable on use of any reprographic apparatus or process (for reprographic copying by educational institutions), to be distributed among authors <sup>4378</sup>

## 5. Educational Publications/Anthologies/Compilations/Composite Works

Provision	s 25(1)
Scope of anthologies/compilations limitation/exception	use, by way of illustration in any publication
Type(s) of source work(s)	a work, (a performance, performance recording) <sup>4379</sup>

<sup>4374</sup> S 25(7) (applying qualification to all exceptions permitted by s 25).

<sup>4375</sup> S 25(6)(ii).

<sup>4376</sup> S 25(6)(i).

<sup>4377</sup> S 25(7) (applying qualification to all exceptions permitted by s 25).

<sup>4378</sup> S 135(2)(c)(i), (ii) (providing for regulations which the Minister may provide for this purpose).

<sup>4379</sup> S 73(1)(a) (applying s 25(1) to exceptions to rights of performers and holders of recording rights).

Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for teaching
Condition of anthologies/compilations limitation/exception	use is compatible with fair practice
Frequency/copies and limits	extent of use is justified by purpose
Preclusions (not part of anthologies/compilations limitation/exception)	not permitted if act "conflicts with a normal exploitation of the work concerned or prejudices unreasonably the legitimate interests of the owner of copyright in the work" <sup>4380</sup>
Subject to Attribution	title, author (unless anonymous or infeasible to ascertain identity by reasonable inquiry) <sup>4381</sup>
Subject to Remuneration	not required ("not be infringed")

Provision	s 25(3)
Scope of anthologies/compilations limitation/exception	inclusion, in a collection
Type(s) of source work(s)	a short passage from a published literary work
Entity exercising anthologies/compilations limitation/exception	
Purpose of anthologies/compilations limitation/exception	for use in educational establishments
Condition of anthologies/compilations limitation/exception	collection is so described in its title and in any publisher's advertisement  consists mainly of material in which no copyright subsists  source work itself is not intended for use in educational establishments
Frequency/copies and limits	no more than 2 excerpts from works by same author are contained in collections by same publisher within 5 year period
Preclusions (not part of anthologies/compilations limitation/exception)	not permitted if act "conflicts with a normal exploitation of the work concerned or prejudices unreasonably the legitimate interests of the owner of copyright in the work" <sup>4382</sup>
Subject to Attribution	title, author (unless anonymous or infeasible to ascertain identity by reasonable inquiry) <sup>4383</sup>
Subject to Remuneration	not required ("shall not infringe the copyright in the work")

<sup>4380</sup> S 25(7) (applying qualification to all exceptions permitted by s 25).

<sup>4381</sup> S 2 (defining "sufficient acknowledgement").

<sup>4382</sup> S 25(7) (applying qualification to all exceptions permitted by s 25).

<sup>4383</sup> S 2 (defining "sufficient acknowledgement").



**6. School Performances**

Provision	s 25(4)
Scope of school performance	performance
Type(s) of source work(s)	a dramatic or musical work, (a performance, performance recording) <sup>4384</sup>
Entity exercising school performance	by a teacher or pupil in the course of the establishment's activities; or by any person for the purposes of instruction at the educational establishment
Purpose of school performance	
Condition of school performance	before an audience consisting of teachers and pupils at an educational establishment and other persons "directly connected" <sup>4385</sup> with the establishment's activities
Preclusions (not part of school performance)	not permitted if act "conflicts with a normal exploitation of the work concerned or prejudices unreasonably the legitimate interests of the owner of copyright in the work" <sup>4386</sup>
Subject to Attribution	
Subject to Remuneration	not required ("not be regarded as a public performance for the purposes of infringement of copyright")
Provision	s 25(5)
Scope of school performance	playing or showing
Type(s) of source work(s)	an audiovisual work, sound recording, broadcast or cable programme
Entity exercising school performance	
Purpose of school performance	for purposes of instruction
Condition of school performance	an audience consisting of teachers and pupils at an educational establishment and other "persons directly connected" <sup>4387</sup> with the establishment's activities
Preclusions (not part of school performance)	not permitted if act "conflicts with a normal exploitation of the work concerned or prejudices unreasonably the legitimate interests of the owner of copyright in the work" <sup>4388</sup>
Subject to Attribution	
Subject to Remuneration	not required ("not be regarded as a public performance of the work for the purposes of infringement")

**7. Educational Broadcasts/Communications/Recordings**

Provision	s 25(1)
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<sup>4384</sup> S 73(1)(a) (applying s 25(4) to exceptions to rights of performers and holders of recording rights).

<sup>4385</sup> S 25(4) (excluding parents of pupils per se from "persons directly connected with the activities of the educational establishment").

<sup>4386</sup> S 25(7) (applying qualification to all exceptions permitted by s 25).

<sup>4387</sup> S 25(5) (excluding parents of pupils per se from "persons directly connected with the activities of the educational establishment").

<sup>4388</sup> S 25(7) (applying qualification to all exceptions permitted by s 25).

Scope of broadcast/communication/recording	use, by way of illustration in any broadcast or record
Type(s) of source work(s)	a work, (a performance, performance recording) <sup>4389</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	for teaching
Condition of broadcast/communication/recording	use is compatible with fair practice
Frequency/limits of broadcast/communication/recording	extent of use is justified by purpose
Preclusions (not part of broadcast/communication/recording)	not permitted if act "conflicts with a normal exploitation of the work concerned or prejudices unreasonably the legitimate interests of the owner of copyright in the work" <sup>4390</sup>
Subject to Attribution	title, author (unless anonymous or infeasible to ascertain identity by reasonable inquiry) <sup>4391</sup>
Subject to Remuneration	not required ("not be infringed")

Provision	s 25(2)
Scope of broadcast/communication/recording	anything done
Type(s) of source work(s)	a work, (a performance, performance recording) <sup>4392</sup>
Entity exercising broadcast/communication/recording	
Purpose of broadcast/communication/recording	an examination by way of setting questions, communicating the questions to the candidates or answering the questions
Condition of broadcast/communication/recording	
Frequency/limits of broadcast/communication/recording	
Preclusions (not part of broadcast/communication/recording)	excluding making a copy of the score of a musical work for use by an examination candidate in performing the work  not permitted if act "conflicts with a normal exploitation of the work concerned or prejudices unreasonably the legitimate interests of the owner of copyright in the work" <sup>4393</sup>
Subject to Attribution	
Subject to Remuneration	not required ("not be infringed")

<sup>4389</sup> S 73(1)(a) (applying s 25(1) to exceptions to rights of performers and holders of recording rights).

<sup>4390</sup> S 25(7) (applying qualification to all exceptions permitted by s 25).

<sup>4391</sup> S 2 (defining "sufficient acknowledgement").

<sup>4392</sup> S 73(1)(a) (applying s 25(2) to exceptions to rights of performers and holders of recording rights).

<sup>4393</sup> S 25(7) (applying qualification to all exceptions permitted by s 25).

8. Compulsory Licences for Educational Reproductions and Translations

Provision	s 135(2)(b)(ii) <sup>4394</sup>
Nature of compulsory licence for translation for educational purposes	compulsory licence, for translation
Scope of compulsory licence for digital copying and dissemination	probably digital reproduction probably digital publication <sup>4395</sup> probably digital dissemination <sup>4396</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	any work
Licence applicant/entity	
Purpose of licence	purpose of teaching, scholarship or research
Condition of licence	acts authorised by such a licence shall not conflict with a normal exploitation of the work concerned, nor shall any such licence unreasonably prejudice the legitimate interests of the owner of the copyright in the work concerned <sup>4397</sup>
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	

Provision	s 135(2)(b)(ii) <sup>4398</sup>
Nature of compulsory licence for reproduction for educational purposes	compulsory licence, for use in a broadcast
Scope of compulsory licence for digital copying and dissemination	no digital reproduction no digital publication <sup>4399</sup> no digital dissemination <sup>4400</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	any work
Licence applicant/entity	
Purpose of licence	purpose of teaching, scholarship or research
Condition of licence	acts authorised by such a licence shall not conflict with a normal exploitation of the work concerned, nor shall any such licence unreasonably prejudice the legitimate interests

<sup>4394</sup> To date, no such regulations have been made by the Minister under the Copyright and Neighbouring Rights Regulations, 2006.

<sup>4395</sup> If licensing rights for "publication" are implied, by reading s 135(2)(b)(i) (licences permitting "publication") with (ii) (licences permitting "translation", and that teaching, scholarship or research will necessarily involve publication); see s 3 (defining "publication" as the issuing of copies of the work to the public or making available a work to the public by means of an electronic retrieval system, a public computer network, or by a public library or archive or other such non-profit making institution, but does not include a performance, broadcast or inclusion of the work in a cable programme service).

<sup>4396</sup> *Id.*

<sup>4397</sup> S 135(2)(b) proviso.

<sup>4398</sup> To date, no such regulations have been made by the Minister under the Copyright and Neighbouring Rights Regulations, 2006.

<sup>4399</sup> A publication excludes a broadcast. See s 135(2)(b)(i); s 3 (defining "publication" as the issuing of copies of the work to the public or making available a work to the public by means of an electronic retrieval system, a public computer network, or by a public library or archive or other such non-profit making institution, but does not include a performance, broadcast or inclusion of the work in a cable programme service).

<sup>4400</sup> *Id.*

	of the owner of the copyright in the work concerned <sup>4401</sup>
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	

Provision	s 135(2)(b)(i) <sup>4402</sup>
Nature of compulsory licence for reproduction for educational purposes	compulsory licence, for reproduction, publication, performance, or circulation
Scope of compulsory licence for digital copying and dissemination	digital reproduction digital publication <sup>4403</sup> digital dissemination <sup>4404</sup>
Facilities provided in Paris Act, Appendix	
Type(s) of source work(s)	any work
Licence applicant/entity	educational institutions
Purpose of licence	
Condition of licence	acts authorised by such a licence shall not conflict with a normal exploitation of the work concerned, nor shall any such licence unreasonably prejudice the legitimate interests of the owner of the copyright in the work concerned <sup>4405</sup>
Compulsory licence fee(s)	
Price of publication	
Distribution conditions	
Grantor of compulsory licence	

#### 9. TPM/RMI Exceptions for Educational Purposes

Provision	s 129(4)
Scope of TPM/RMI restriction	enabling the making, importing, exporting, selling, letting for hire or offering or exposing for sale or hire any device specifically designed or adapted to circumvent copy protection measure, or the possessing of such a device, or publishing information intended to enable or assist persons to circumvent copy protection
Type(s) of source work(s)	a work in which copyright exists and which is issued to the public in electronic form
Beneficiary exercising restriction	accused or defendant

<sup>4401</sup> S 135(2)(b) proviso.

<sup>4402</sup> To date, no such regulations have been made by the Minister under the Copyright and Neighbouring Rights Regulations, 2006.

<sup>4403</sup> Unlike a compulsory licence for translation, licensing rights for "publication" are implied, by reading s 135(2)(b)(i) (licences permitting "publication") with (ii) (licences permitting "translation", and that teaching, scholarship or research will necessarily involve publication); see s 3 (defining "publication" as the issuing of copies of the work to the public or making available a work to the public by means of an electronic retrieval system, a public computer network, or by a public library or archive or other such non-profit making institution, but does not include a performance, broadcast or inclusion of the work in a cable programme service).

<sup>4404</sup> *Id.*

<sup>4405</sup> S 135(2)(b) proviso.

Purpose of restriction	act was reasonably incidental to any use or dealing with the work which did not amount to an infringement of copyright in the work
Condition of restriction	