

Personal Use Exception Guidelines

This exception in *Copyright Act* outlines the circumstances and conditions when individuals may use copyright protected works without seeking clearance.

These Guidelines provide detail concerning this exception and give additional background to the 4th question in Western's [Copyright Decision Map](#). Remember that other statutory exceptions or conditions outlined in the Map may apply to your situation.

Background

In addition to provisions for research and private study included in the Fair Dealing exception, the [Copyright Act, section 29.22, Reproduction for Private Purposes](#) details this exception which pertains to individuals who reproduce works for personal use. Like all statutory exceptions, circumstances and related conditions or requirements apply when individuals copy a work or a substantial portion of it for their own use.

Personal Use Exception Guidelines

The original from which the copy is made must be a legal one, not borrowed or rented but lawfully obtained. Copying from an infringing copy also negates the exception. Individuals must also own or be authorized to use any device or medium upon which the copy is reproduced.

In addition, any technological protection measure (TPM) or digital lock put in place to safeguard and restrict access to or reproduction of the work cannot be circumvented in order to make the copy. For example, if you have been given a user name and password to access content or the material is included in one of Western Libraries' many digital subscription packages, reproducing for personal use may be fine. Conversely, right-clicking an image in order to copy and paste may not.

A couple of limitations also are in place. One concerns the destruction of any additional reproductions made for personal use. This must be done should you sell, rent or give away the first copy. The second limitation applies to recorded sound, specifically the medium used to make the copy. It stipulates that the copy cannot be reproduced onto a medium that is ordinarily used for that purpose. In other words, copying a song from a purchased CD to a rewritable CD or Mini Disc is likely not permitted; copying a downloaded song purchased from iTunes from your computer to a device like an iPod should be fine.

The Personal Use Exception is only one of several statutory exceptions contained in the Canadian *Copyright Act*. Other exceptions or conditions outlined in Western's [Copyright Decision Map](#) may apply to your situation.