

Personal use

Overview

There are limited provisions in the Copyright Act for copying material that you own for personal use. These provisions include space shifting of recorded music, timeshifting television and radio programs and format shifting other types of material such as books, magazines or photographs.

Personal use is not the same as fair dealing for research and study. The differences are outlined below.

Personal use

- You must own a copy of the material being reproduced.
- Purpose of copying - for your own private use.
- Works can be copied in full.
- Copies cannot be lent or shared with anyone.
- The work being copied must be a legal (i.e. non-pirate) copy.
- Artistic works, sound recordings and films can be copied in full.

Fair dealing for research and study

- You do not have to own a copy of the material being reproduced. The material can be held in, or borrowed from, a library, for example.
- Purpose of copying - must be for research or study
- The amount copied is limited to 10% or 1 chapter whichever is greater. (More can be copied if it is considered 'fair'.)
- Copies can be in the same format as the original (e.g. a photocopy of a book).
- The work being copied must be a legal (i.e. non-pirate) copy.
- Artistic works, sound recordings and films can only be copied if they satisfy the five factors for fairness

Space shifting of music recordings

The term 'space shifting' means to convert a format such as a CD, DVD or audio cassette into an electronic format that can be transferred to a computer or portable media player such as an iPod. It is a similar concept to format shifting. The Copyright Act allows legal (non-pirated) music recordings to be space shifted for personal use. This means that it is legal to copy a CD that you own onto your own iPod or MP3 player or create a compilation CD from CDs that you own to listen to in the car, for example. However, certain other limits apply:

- This exception is limited to personal use only. If you wish to create compilation CDs or reproduce music recordings for educational purposes, then there are limited provisions under the music licence. For more information consult [the music licence](#).
- You must own an original/non-pirate copy of the item being reproduced. It is not permitted to make a copy of an infringing item.
- You must own the device, e.g. iPod or hard drive, that the work is being copied onto. It would not be permitted to copy material onto your friend's iPod or onto the hard drive of your PC at work.
- You must also keep the original work. It is not permitted to make a reproduction and then dispose of the original. If the original copy is sold, traded or given away, then the reproduction must be destroyed.
- The reproduction cannot be made available on the internet.
- The reproduction cannot be played or performed in public or broadcast.
- The reproduction cannot be sold, hired, traded or given away.
- It is not permitted to circumvent a technological protection measure (TPM) in order to make a copy of the item.

Time shifting television and radio programs

Time shifting means to record a television or radio program so that it can be viewed or listened to at a later, more convenient, time. The Copyright Act allows television and radio programs to be time shifted for personal use. Certain other limits apply:

- This provision is limited to personal use only. If you wish to record television or radio programs for educational purposes, you can do so under the [statutory licence](#). If you wish to record television or radio programs for research or study purposes, you may do so under [fair dealing](#).
- The recordings can be in any format - video cassette, DVD or a hard drive.
- Pay television programs can also be recorded if you have a current paid subscription. Recording without a current paid subscription would be an infringement.

- The recording of the TV or radio program is for the intention of viewing or listening at a more convenient time. You may not record a program for the purpose of indefinitely keeping the recording to be watched over and over again - a practice known as 'librarying'.
- Recordings cannot be sold, hired, traded or given away, but can be lent to a family member.
- Recordings may not be shown in public, e.g. in class, broadcast or made available on the internet. If you wish to show a TV or radio program in class for educational purposes, see [using copyright material in lectures](#).

Format shifting

Format shifting is similar to space shifting but the copy is rendered into a different format; for example, a video recording is transferred to a DVD or an audio cassette recording is transferred to a CD. Under this provision in the Copyright Act, only material that you own can be format shifted and it is limited for personal use only. Not all types of material are covered. For example, you can scan a book, magazine or photograph into a digital format, print out an e-book or reformat a video onto a DVD, but you are not permitted to format shift computer games. Certain other limits apply:

- This provision is limited to personal use only. If you wish to format shift for educational purposes, there are limited provisions under the Statutory Licences. It must also be possible to format shift material for educational purposes under the 'Certain Special Purposes' provision. [Contact the Copyright Office](#) for information.
- You must own an original/non-pirate copy of the item being reproduced. It is not permitted to make a copy of an infringing item.
- You must also keep the original work. It is not permitted to make a reproduction and then dispose of the original. If the original copy is sold, traded or given away, then the reproduction must be destroyed.
- You cannot make copies of sound recordings that have been downloaded from the internet, e.g. a digital recording of a radio broadcast or a podcast, unless permitted under the Terms & Conditions of the web site.
- You may not make additional copies of the reproduction. However it is permitted to make an incidental temporary copy in the technical process of making a reproduction, so long as the temporary copy is destroyed as soon as practical.
- The reproduction cannot be uploaded onto the internet.
- The reproduction cannot be played or performed in public or broadcast.
- The reproduction cannot be sold, hired, traded or given away.
- It is not permitted to circumvent a technological protection measure (TPM) in order to make a copy of the item.

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