**History of Fair Dealing (pre 2010)**

The origins of Fair Dealing can be traced to the Copyright Design and Patent Act 1988 (CDPA), more specifically sections 29 (Non-Commercial Research and Private Study) and 30 (Criticism, Review and Reporting of Current Events). Initially these three areas were the only defence for infringers to prove their use fell into – a limited set of defences.

These limitations were echoed in the UK Copyright Exceptions of the time. Possibly, the most limiting aspect for the educational exceptions under section (32.(1)(b), was the prohibition of reprographic copying – which prohibited the reproduction of literary, dramatic, musical or artistic work on acetate for use on an over head projector. This only accommodated resources for traditional “Chalk and Talk” teaching, i.e. when the speaker draws pictures to emphasise a point or provide additional context.

In response to Article 5(3) of the Information Society Directive, further amendments were made to the CDPA in 2003. The amendment saw, a distinction drawn between commercial and non-commercial instruction, which required that any use of works (commercial and non-commercial) had to be accompanied by sufficient acknowledgement of the rights holder.

In 2005, the UK Government commissioned the Gower Review of Intellectual Property, which published the results on December 2006. The findings were the educational exceptions were no longer fit for purpose. However, none of Gower’s educational related recommendations were acted on.

**History of Fair Dealing (post 2010)**

It wasn’t until November 2010, the then Prime Minister (David Cameron) commissioned a review of the current UK Intellectual Property framework, due to it being at risk of not being sufficiently well designed to promote innovation and growth in the UK economy. The review was led by Professor Ian Hargreaves (Cardiff University) and the findings were published in May 2011. The Government declared its intention to implement the reviews findings on August 2011, which included a more flexible approach to copyright. Despite, the Copyright exceptions were not present in Hargreaves 10 recommendations , the Government included them in the scope of their proposed policy reform. This enabled them to examine and address previously problematic areas like reprographic restrictions highlighted earlier.

On October 1st, 2014, the reforms to the IP framework and Copyright exceptions were implemented. This saw areas of Fair Dealing defence being expanded to include; parody, caricature and pastiche (section 30A) and Illustration for teaching. The fair dealing exceptions also gained protection from being overridden by contracts or contractual terms and conditions.

In short since 2014, Fair Dealing and the UK Copyright exceptions have been made more flexible due the expansion of areas of defence and amendments to align the Copyright exceptions to changing technologies.