

## Fair Dealing Guidelines

### PREAMBLE:

The **Copyright Act** contains a **Fair Dealing** exception, which permits the use of copyright-protected works without permission from the copyright owner or the payment of copyright royalties. To qualify for Fair Dealing, two tests must be passed:

- i) The “dealing” must be for one of the following purposes enumerated in the *Copyright Act*: research, private study, education, parody, satire, criticism, review or news reporting; and
- ii) The “dealing” must be “fair.” The fairness of the dealing is assessed in accordance with a number of specific factors set out by the Supreme Court of Canada.

The purpose of these Guidelines is to provide a simple and straightforward approach to making determinations of the application of the Fair Dealing exception in particular circumstances. While the Guidelines are not intended to be a replacement for the full analysis outlined by the Supreme Court of Canada, use of the Guidelines is expected to yield a result consistent with such a full analysis in the vast majority of applicable cases.

### GUIDELINES:

Under these Guidelines, and in accordance with the University’s *Use of Copyright Materials Policy and Procedure*:

1. Course instructors, faculty, researchers and University employees may reproduce and communicate short excerpts from a copyright-protected work for the purposes of research, private study, education, parody, satire, criticism, review or news reporting.
2. Reproductions or communications of short excerpts for the purpose of news reporting, criticism or review must mention the source and, if given in the source, the name of the author or creator of the work.
3. Users may copy the following “short excerpts”:
  - a) up to ten (10) percent of a copyright-protected work (including a literary work, musical score, sound recording or an audiovisual work);
  - b) an entire chapter from a book;
  - c) an entire article from a periodical publication;
  - d) an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart or plan) from a copyright-protected work containing other artistic works;
  - e) an entire newspaper article or page;
  - f) an entire single poem or musical score from a copyright-protected work containing other poems or musical scores;
  - g) an entire entry from an encyclopedia, annotated bibliography or similar reference workprovided that in each case, no more of the copyright-protected work is copied than is required in order to achieve the allowable purpose.
4. Users may NOT copy the following:
  - a) any of the works referred to in paragraphs 3(c) to 3(g) of these Guidelines where the publication containing the copyright-protected work does not contain other works. For example, no copy may be made of a play from a publication containing the play but no other work;
  - b) unpublished works;
  - c) proprietary workbooks, work cards, assignment sheets, tests and examination papers;
  - d) instruction manuals;
  - e) newsletters with restricted circulation intended to be restricted to a fee paying clientele;

- f) business cases which are made available for purchase; or
  - g) multiple short excerpts from the same copyright-protected work, with the intention of copying or communicating substantially the entire work.
5. The **Copyright Office** can provide assistance with questions about the implementation or interpretation of these Guidelines.

## **DEFINITIONS**

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. <a href="#">▲ Top</a>	
<b>Copyright Act</b>	The federal <i>Copyright Act</i> , RSC 1985 c C-42, including the regulations thereunder and any amendments made thereto, including case law which interprets the <i>Copyright Act</i> .
<b>Copyright Office</b>	A division of Learning Services, the Copyright Office centralizes the oversight and management of copyright issues for the University community, providing information and guidance related to copyright laws, policy and procedures. The role of the Copyright Office is the review, development and implementation of best practices related to the use of copyright materials at the University, as well as the review, development and implementation of a communication and education plan to enhance awareness and “copyright literacy” across the University community.

## **RELATED LINKS**

Should a link fail, please contact <a href="mailto:uappol@ualberta.ca">uappol@ualberta.ca</a> . <a href="#">▲ TOP</a>
<a href="#">Use of Copyright Materials Policy</a>
<a href="#">Use of Copyright Materials Procedure</a>
<a href="#">Copyright Act of Canada</a>
<a href="#">Copyright Office</a>