

Fair Dealing Guidance for Students

This document provides guidance for students on the fair dealing exemption to copyright infringement.

Copyright Infringement and Exemptions

It is an infringement of copyright to copy all or a substantial part¹ of a copyright-protected work or to communicate all or a substantial part of a copyright-protected work to the public² by telecommunication without the consent of the holder of the copyright, unless copying or communicating the work falls within an exemption from copyright infringement. One of the main exemptions is the fair dealing exemption.

The university does not condone copyright infringement by students. Students who copy or communicate copyright-protected works should either obtain the permission of the copyright owner or be satisfied that copying or communicating the works falls within one of the exemptions in the *Copyright Act*. The university is not liable for any infringing copies made or communicated by students including such copies made or communicated using copiers or scanners made available by the university.

The Fair Dealing Exemption

The fair dealing exemption in the *Copyright Act* (sections 29, 29.1 and 29.2) provides that fair dealing with a copyright-protected work for one of the following eight purposes: research, private study, criticism, review, news reporting, education, satire or parody, does not infringe copyright. Any fair dealing for the purpose of news reporting, criticism or review must however mention the source and, if given in the source, the name of the author or creator of the work.

¹ For a discussion of what constitutes a substantial part of a copyright-protected work see the Fair Dealing Policy for Universities: General Application to be found here

http://library.ucalgary.ca/sites/library.ucalgary.ca/files/general_application.pdf

² In general, a communication is to the public if the recipients are not restricted to individuals that are purely in a domestic relationship.

Depending on the circumstances, a student may copy or communicate an extract of a copyright-protected work under the fair dealing exemption without the permission of the copyright holder and without infringing copyright.

The Fair Dealing Policy

The university has adopted the Fair Dealing Policy for Universities (“Fair Dealing Policy”). The policy permits faculty members, instructors and staff members to communicate and reproduce short excerpts of copyright-protected works for specified purposes without infringing copyright. Although the Fair Dealing Policy does not apply to students except to the extent that a student is an employee of the university, e.g., as a teaching assistant or instructor, students might look to the policy as a general guideline on how the fair dealing exemption can be applied. A copy of the Fair Dealing Policy can be found here <http://library.ucalgary.ca/copyright/fair-dealing>

Definition of Short Excerpt

The Fair Dealing Policy defines a short excerpt as follows:

A short excerpt means:

- (a) up to 10% of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work)
- (b) one chapter from a book
- (c) a single article from a periodical
- (d) an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and 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, dictionary or similar reference work

provided that in each case, no more of the work is copied than is required in order to achieve the allowable purpose.

For information regarding the Fair Dealing Policy and Canada’s copyright law, contact the Copyright Office at copyright@ucalgary.ca