

Title: Fair Dealing
Policy No. B1013
Category: Administration

1. PURPOSE

To demonstrate the College's commitment to the implementation of fair dealing and reasonable safeguards in accordance with the Copyright Act and the Supreme Court decisions which permit the limited use of a copyright-protected work without the permission or payment of copyright royalties.

2. DEFINITIONS

Fair Dealing - A provision in the *Copyright Act* that permits use of a copyrighted work by individuals, and libraries acting on behalf of individuals, for the allowable purposes of research, private study, education, criticism, review, parody, satire, or news reporting, without permission or payment of copyright royalties.

3. POLICY

3.1. To qualify for fair dealing, two conditions must be met:

- a. The "dealing" must be for an allowable purpose stated in the *Copyright Act*: research, private study, education, criticism, review, parody, satire, or news reporting. Educational use of a copyright-protected work passes the first test.
- b. The dealing must be "fair." In landmark decisions in 2004 and 2012, the Supreme Court of Canada provided guidance on what this test means in schools and post-secondary institutions.

See *Copyright Compliance Directives* for the factors in determining Fair Dealing.

3.2. Langara employees may communicate and reproduce, in paper or electronic form, short excerpts from a copyright-protected work for the purposes of research, private study, criticism, review, news reporting, education, satire and parody.

See *Copyright Compliance Directives* for examples of short excerpts.

3.3. Copying or communicating short excerpts from a copyright-protected work under this policy for the purpose of news reporting, criticism or review shall mention the source and, if given in the source, the name of the author or creator of the work.

3.4. Copying or communicating multiple short excerpts from the same copyright-protected work, with the intention of copying or communicating substantially the entire work, is prohibited.

- 3.5. Copying or communicating that may exceed Fair Dealing Guidelines as noted in the Copyright Compliance Directives should be referred to the Copyright Officer.

An evaluation of whether the proposed copying or communication is permitted under fair dealing will be made based on all relevant circumstances.

- 3.6. Any fee charged for communicating or copying a short excerpt from a copyright-protected work is intended to cover only the costs of the institution, including overhead.

4. **RESPONSIBILITY**

For inquiries relating to this Policy, contact the Copyright Officer.

5. **REGULATIONS/PROCEDURES**

[Copyright Compliance Directives](#)

Approved by Education Council: June 18, 2013