What can YOU copy?

Under the Canadian Copyright Act, you the faculty / staff member can copy parts of a published work for the purpose of research, private study, criticism, review, news reporting, education, parody or satire. This is an exception under the Act and is called Fair Dealing. The elements of the fair dealing exception cannot be interpreted restrictively but this does not allow you to copy whatever you desire in the defense of fair dealing. Your dealing must fulfill all 6 criteria listed below to be considered fair dealing. Remember your dealing should be to complement existing textbooks that students purchase, not to replace them.

How do you know it’s Fair Dealing?

The following 6 factors must be satisfied:

1. Purpose of the dealing – Why are you making the copy? It must be for research, private study, criticism, review, news reporting, education, parody or satire. Are you providing your students with a supplemental reading to complement their textbooks? This would be considered FAIR. Are you providing your students with a mandatory reading, like a chapter of a book, to replace purchasing a textbook? This would be considered UNFAIR.

2. Character of the dealing – How many copies of the published work are you making? Are you making copies to facilitate a lesson in your classroom? This would be considered FAIR. Are you making multiple copies of an article and distributing them throughout the college? This would be considered UNFAIR.

3. Amount of the dealing – How much of the published work are you copying? Consider quantity and quality of the work being copied. Remember the less being copied is better. An excerpt of a short story or a chapter of a book being copied to enhance your lesson and facilitate research and private study for students would be considered FAIR. Copying an entire book of short stories or cumulative copying of the book would be UNFAIR.

4. Alternatives to the dealing – If you doubt whether your copying will be considered fair dealing, do not copy the work. Consult library staff and visit the library’s subject guide Copyright for Faculty & Staff //nclibraries.niagaracollege.ca/copyright for alternative sources.

5. Nature of the work – Is the work being copied confidential? Is the work intended for a paying clientele? This would include consumable products such as, lab manuals. Copying a confidential, restricted or consumable work would be considered UNFAIR. Copying a work that is intended to be circulated for public interest would be considered FAIR.

6. Effect of the dealing – Will the copying of the work potentially compete with the market of the original? Yes = UNFAIR, No = FAIR.

******REMEMBER: ALWAYS CITE YOUR SOURCES*****