

DIRECTIVE TITLE	Fair Dealing of Copyrighted Materials
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HOLDER	President
RESPONSIBLE OPERATIONAL LEADER	Director, Learning Services
SUPPORTING DOCUMENTS	E-1.4 Copyright

FAIR DEALING OF COPYRIGHTED MATERIALS

RATIONALE

This policy informed directive is based on the fair dealing guidelines developed by Colleges and Institutes Canada (“CICAN”) in 2012, in accordance with decisions of the Supreme Court of Canada in 2004 and 2012. The CICAN guidelines provide post-secondary institutions reasonable safeguards for the owners of copyright-protected works in accordance with the Copyright Act (the “Act”) and the Supreme Court decisions. Camosun College adopted the CICAN guidelines in 2012.

DIRECTIVE APPLICATION, SCOPE, AND LIMITS

The fair dealing provision in the Copyright Act permits use of a copyright-protected work without permission from the copyright owner or the payment of copyright royalties. To qualify for fair dealing, the “dealing” must be for a purpose stated in the Act: research, private study, criticism, review, news reporting, education, satire and parody, and the amount of dealing should be “fair.”

GUIDELINES

The following guidelines must be followed to ensure the use or dealing of copyrighted material is fair, within the meaning of the Act:

1. Instructors, students and staff members in non-profit educational institutions 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.

2. Copying or communicating short excerpts from a copyright-protected work under Fair Dealing for the purpose of news reporting, criticism or review should mention the source and, if given in the source, the name of the author or creator of the work.
3. A single copy of a short excerpt from a copyright-protected work may be provided or communicated to each student enrolled in a class or course:
 - a. as a class handout
 - b. as a posting to a learning or course management system that is password protected or otherwise restricted to students of a school or post-secondary educational institution
 - c. as part of a course pack
4. 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 an entire single poem or musical score from a copyright protected work containing other poems or musical scores
 - f. an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work
5. 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.
6. Copying or communicating that exceeds the limits of Fair Dealing outlined in these guidelines may be referred to College's Director of Learning Services, or the Copyright Advisor for evaluation. An evaluation of whether the proposed copying or communication is permitted under fair dealing will be made based on all relevant circumstances.
7. Any fee charged by the College for communicating or copying a short excerpt from a copyright protected work must be intended to cover only the costs, including overhead costs.

LINKS TO RELATED CAMOSUN POLICIES

- [E-3.4 Copyright](#)
- D-1.7 Alternate Formats