

1.0 ASSOCIATED POLICY

- Copyright Policy

2.0 PREAMBLE

Fair dealing under Canada's *Copyright Act* (the "**Act**") is a user right that supports teaching, learning, research, and access to knowledge. It is an integral part of the balance between the rights of creators and the rights of users in Canada's copyright system. Fair dealing allows copyrighted works to be copied or shared without permission or payment when the dealing:

- A. is for an allowable purpose under the *Act*; and
- B. is fair when assessed in light of all the relevant circumstances.

If your use does not fit within fair dealing, you need to obtain permission from the copyright owner.

These Guidelines are intended to assist in making good-faith, contextual fair dealing assessments. They do not create fixed limits or determine fairness in advance. For guidance making a fair dealing assessment or any questions regarding what constitutes fair dealing, please contact copyright@macewan.ca. For scenario-based guidance, please refer to Copyright for [Teaching](#), [Research](#), and [Students](#).

Canadian courts have established the following framework for determining whether a dealing with a copyrighted work is fair:

A. ALLOWABLE PURPOSE

Your use must be for one or more of the following purposes specified in the *Act*:

- Education
- Research
- Private study
- Satire or parody
- Criticism or review*
- News reporting*

* For fair dealing undertaken for the purpose of criticism or review or news reporting, the *Act* requires that you acknowledge the source of the work and, if provided in the source, the name of the author, performer, maker, or broadcaster, as applicable.

B. IS THE DEALING FAIR?

Fairness is determined by considering all relevant circumstances, including the following six factors. These factors are weighed together. **No single factor, including the amount copied, is determinative.**

1. Purpose of the Dealing

Consider the real reason or motive for the dealing, based on an objective assessment from the perspective of the user.

In an educational setting, the relevant user is typically the student engaged in research, private study, or education. Uses that support students' learning, analysis, commentary, or engagement with course materials will generally favor fairness, as teaching often involves explanation, illustration, or contextual use of materials to support learning outcomes. Dealings undertaken for commercial or profit-driven purposes may weigh against fairness; however, research conducted for commercial purposes may still qualify as fair dealing depending on the circumstances'

2. Character of the Dealing

Consider how the work is being shared.

Uses that involve:

- limited distribution;
- access restricted to students enrolled in a course; and
- posting within secure learning environments, such as m&skanâs, in a manner that supports the allowable purpose,

are more likely to be fair than uses involving public or unrestricted distribution

3. Amount of the Dealing

Consider how much of the work is being used, and how important that portion is, in relation to the purpose for which it is being copied or shared.

Using only the amount reasonably necessary to achieve the purpose will generally favor fairness. In some cases, such as the use of images, poems, charts, or short audiovisual works, using the entire work may be necessary to achieve that purpose.

The following examples may serve as a **general guidance only** and are **not absolute limits**:

- A chapter or section of a book, eBook, or similar literary work
- A segment of an audiovisual work or sound recording
- An article from a periodical or journal
- A single artistic work (e.g., including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a compilation
- A newspaper article or page
- A poem or musical score from a larger work
- An entry from an encyclopedia, annotated bibliography, dictionary, or similar reference work
- A short story from a collection
- Copying that exceeds these examples may still be fair depending on the circumstances

4. Alternatives to the Dealing

Consider whether there are realistic alternatives to copying that would achieve the same purpose.

Where no practical non-copyrighted or licensed alternative exists, copying may be more likely to be fair.

5. Nature of the Work

Consider whether the work is published or intended for wide dissemination.

Use of published works intended for informational or educational dissemination will generally favor fairness more than use of confidential or unpublished materials (e.g., a diary).

6. Effect of the Dealing on the Work

Consider whether the use would compete with or significantly affect the market value of the copyrighted work.

Uses that do not substitute for the purchase or licensing (e.g., out of print or no license available) of the original work will tend to favor fairness. If your use of the work minimizes the potential for unauthorized use that could negatively affect its value, your use is more fair. If you take steps to ensure that your use of the work is limited to the stated purpose and to a limited audience, your use is more fair.

3.0 ACCOUNTABILITY

Responsible Office
MacEwan Library

4.0 HISTORY

Relevant Dates

Approved: **26.04.28**

Effective: **26.05.01**

Next Review: **31.05.01**

Modification History

26.04.28 Comprehensive revision and update emphasizing context-based assessment to fair dealing.