

Title	Fair Dealing		
Classification	Administrative	Oversight & Responsibility	Office of the VP Academic
Category	Governance & Legal	Effective Date	2017 Jul 19
Approval	Academic Council	Policy No	1058

This policy is applied in a manner consistent with applicable statutory and legal obligations, including university collective agreements and terms of employment.

NOTE: The most up-to-date versions of our policies are posted on the policy & procedure website. If you've printed this policy, check the website to be sure you have the current version.

Preamble and Purpose

Copyright law protects works from copyright infringement. Copyright is the exclusive right of a copyright owner to produce, reproduce, perform, adapt, translate and communicate a work, and to control the circumstances under which others may use a copyrighted work.

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, two tests must be passed. First, the "dealing" must be for a purpose stated in the Copyright Act: research, private study, criticism, review, news reporting, education, satire or parody. Educational use of a copyright-protected work passes the first test. The second test is that the dealing must be "fair." In landmark decisions in 2004 and in 2012, the Supreme Court of Canada provided guidance as to what this test means in educational institutions.

This Fair Dealing policy provides direction for the application of fair dealing at Royal Roads University to ensure compliance with Canadian copyright law. This policy is intended to apply to the reproduction and distribution (in any form or by any means) of otherwise unlicensed third party works by members of the Royal Roads University community.

Policy

1. Fair Dealing

Royal Roads University observes and promotes the practice of fair dealing, according to the provisions established by the *Copyright Act* and the precedent established by the Supreme Court of Canada's (SCC) decision in the 2004 case *CCH Canadian Ltd. v. Law Society of Upper Canada*.

2. Determining Fairness

In evaluating the applicability of the principle of fair dealing to individual reproduction of copyrighted materials, RRU students, staff, and faculty will adhere to the framework established by the SCC, which identifies six factors to guide users in assessing fair dealing:

- (1) the purpose of the reproduction;
 - (2) the character of the reproduction;
 - (3) the amount of the reproduction;
 - (4) alternatives to the reproduction;
 - (5) the nature of the work; and
 - (6) the effect of the reproduction on the work.
- (*CCH Canadian Ltd. v. Law Society of Upper Canada* s.52-53)

Royal Roads University advises that staff, students, and faculty become familiar with the basics of copyright law and the provisions of fair dealing when deciding whether and how to copy published works. For clarification of whether a given case constitutes fair dealing, please contact the Royal Roads University Copyright Office at copyrightofficer@royalroads.ca.

Related Documents and Information

Related Other Sources

- [Copyright Act, RSC 1985, c.C-42](#)

Review and Revision History

Date	Action
2012-Dec-12	Approved by Academic Council
2017-Jul-19	Revised; current published version
2021-Oct-15	Transfer to new template; no content change
Next Review	
2020-Jul-19	For review