

# Fair Dealing Requirements for UBC Faculty and Staff

Version 2.0  
(Revised November 9, 2012)

Please see [copyright.ubc.ca](http://copyright.ubc.ca) for the latest information on copyright



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The [Copyright Act](#) permits copying from copyright-protected works, which includes literary works, musical scores, sound recordings, and audiovisual works (collectively, a “Work”) for the purposes of “fair dealing” (the “Fair Dealing Exception”). The Supreme Court of Canada has stated that deciding whether a particular instance of copying may be considered to be “fair” requires a consideration of all of the relevant factors, including the following:

- (a) the purpose of the proposed copying, including whether it is for research, private study, education, satire, parody, criticism, review or news reporting;
- (b) the character of the proposed copying, including whether it involves single or multiple copies, and whether the copy is destroyed after it is used for its specific intended purpose;
- (c) the amount of the dealing from the individual user’s perspective, including the proportion of the Work that is proposed to be copied and the importance of that excerpt in relation to the whole Work;
- (d) alternatives to copying the Work, including whether there is a non-copyrighted equivalent available;
- (e) the nature of the Work, including whether it is published or unpublished; and
- (f) the effect of the copying on the Work, including whether the copy will compete with the commercial market of the original Work.

Having considered all of the relevant factors, UBC has prepared these Fair Dealing Requirements: to provide direction to Teaching Staff and Other Staff as to how the Fair Dealing Exception applies to certain copying at UBC; and to provide reasonable safeguards for the copyright holders of copyright-protected works, in accordance with Canadian copyright law.

Provided that all of the criteria set out below are met, the Fair Dealing Exception permits Teaching Staff and Other Staff to copy, in paper or electronic form, Short Excerpts (as defined below) from a Work for any of the following fair dealing purposes:

- research;
- private study;
- education;
- satire;
- parody;
- criticism;
- review; or
- news reporting.

1. The copy must be a “**Short Excerpt**”, which means that it is either:

10% or less of a Work, *or*

no more than:

- (a) one chapter from a book;
- (b) a single article from a periodical;
- (c) an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart and plan) from a Work containing other artistic works;

- (d) an entire newspaper article or page;
  - (e) an entire single poem or musical score from a Work containing other poems or musical scores; or
  - (f) an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work,
- whichever is greater.

2. The Short Excerpt must contain no more of the Work than is required in order to achieve the fair dealing purpose (listed above).
3. A copy of a Short Excerpt from a Work may only be provided to students registered or engaged in a course, unit or program of academic, continuing, professional or vocational study administered or hosted by UBC, which may include a person who is granted deferred standing in a course:
  - (a) as a class handout;
  - (b) as a posting to a learning or course management system (e.g. Connect, Vista or MEDICOL) that is password protected or otherwise restricted to, and accessible only by, students in the specific course, unit or program; or
  - (c) as part of a coursepack.
4. Any fee charged by UBC for copying a Short Excerpt must not exceed the costs, including overhead costs, of the making of the copy.
5. Copies of Short Excerpts made for the purpose of news reporting, criticism or review must mention the source and, if given in the source, the name of the author(s) or creator(s) of the Work.
6. Where the Fair Dealing Exception allows the copying of only a portion of a Work, no member of the Teaching Staff or Other Staff may make copies of multiple Short Excerpts with the effect of exceeding the copying limits set out in Section 1 of these Requirements.

The Fair Dealing Exception may also cover certain instances of copying that are not described under these Fair Dealing Requirements. If you have a request for copying that you believe falls within the Fair Dealing Exception but does not meet the criteria set out above, please contact the Scholarly Communications & Copyright Office at [ubc-copyright@interchange.ubc.ca](mailto:ubc-copyright@interchange.ubc.ca). A determination will be made as to whether the proposed copies fall within the Fair Dealing Exception, considering all of the relevant factors (including those specifically described above).

Please note that [separate fair dealing requirements exist for the UBC Library](#), which cover copying requirements related to interlibrary loans, university library reserve and document delivery to patrons of the Library.

Other sources of permission (including permission from a copyright holder) will be required where the copy falls outside of the Fair Dealing Exception (see the [Copyright Requirements](#)).

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Selected definitions from the [Copyright Requirements for UBC Faculty and Staff](#):

**“Teaching Staff”** means any person who teaches at or under the auspices of UBC, including without limitation faculty members, adjunct and clinical faculty, lecturers, instructors, and teaching assistants.

**“Other Staff”** means full-time and part-time staff members of UBC and any other person who works at or under the auspices of UBC who is not Teaching Staff.



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The University of British Columbia  
Vancouver Campus  
Scholarly Communications and Copyright Office  
Walter C. Koerner Library  
Vancouver, B.C., Canada V6T 1Z2  
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The University of British Columbia  
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Kelowna, B.C., Canada V1V 1V7  
Email: [ctl.ubco@ubc.ca](mailto:ctl.ubco@ubc.ca)



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