

## Royal Roads University Policy

First implemented:

December 5, 2012

Amended:

July 19, 2017

Approved By:

Academic Council

Office of Oversight:

Office of the VP Academic

### 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

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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](mailto:copyrightofficer@royalroads.ca) [1].

## Procedures

[Royal Roads University Fair Dealing Procedure](#) [2]

## References

Copyright Act R.S.C., 1985, c. C-42 <http://laws-lois.justice.gc.ca/eng/acts/c-42/> [3]

CCH Canadian Ltd. v. Law Society of Upper Canada <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2125/index.do?r=AAAAAQATQ2FuYWRhIEV2aWRlbnNlIEFjdAE> [4]

AUCC Fair Dealing Policy. AUCC. Oct 9. 2012 <https://www.univcan.ca/media-room/media-releases/fair-dealing-policy-for-universities/> [5]

Athabasca University Fair Dealing Policy (with thanks to AU for permission to adapt parts of their policy) [http://ous.athabascau.ca/policy/academic/fair\\_dealing\\_policy.pdf](http://ous.athabascau.ca/policy/academic/fair_dealing_policy.pdf) [6]

Nipissing University Copyright and Fair Dealing Policy  
[http://libfiles.nipissingu.ca/HDI/Fair%20Dealing\\_Copyright%20Policy\\_October%202015.pdf](http://libfiles.nipissingu.ca/HDI/Fair%20Dealing_Copyright%20Policy_October%202015.pdf) [7]

CAUT Guidelines for the Use of Copyrighted Material . CAUT, 2013  
[https://www.caut.ca/docs/default-source/copyright/revised-caut-guidelines-for-the-use-of-copyrighted-material-\(feb-2013\).pdf](https://www.caut.ca/docs/default-source/copyright/revised-caut-guidelines-for-the-use-of-copyrighted-material-(feb-2013).pdf) [8]

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## Links

[1] <mailto:copyrightofficer@royalroads.ca>

[2] <http://libguides.royalroads.ca/c.php?g=696241&p=4938172>

[3] <http://laws-lois.justice.gc.ca/eng/acts/c-42/>

[4] <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2125/index.do?r=AAAAAQATQ2FuYWRhIEV2aWRlbnNlIEFjdAE>

[5] <https://www.univcan.ca/media-room/media-releases/fair-dealing-policy-for-universities/>

[6] [http://ous.athabascau.ca/policy/academic/fair\\_dealing\\_policy.pdf](http://ous.athabascau.ca/policy/academic/fair_dealing_policy.pdf)

[7] [http://libfiles.nipissingu.ca/HDI/Fair%20Dealing\\_Copyright%20Policy\\_October%202015.pdf](http://libfiles.nipissingu.ca/HDI/Fair%20Dealing_Copyright%20Policy_October%202015.pdf)

[8] [https://www.caut.ca/docs/default-source/copyright/revised-caut-guidelines-for-the-use-of-copyrighted-material-\(feb-2013\).pdf](https://www.caut.ca/docs/default-source/copyright/revised-caut-guidelines-for-the-use-of-copyrighted-material-(feb-2013).pdf)