

Fair Dealing Guidelines

Fair dealing, an integral part of the copyright legislation, outlines the terms of the use of material for the purposes of research, private study, criticism, review, news reporting, parody, satire and education.

Determining if Use of Content Meets Fair Dealing Exceptions

The 6-point Fair Dealing Test includes the following criteria:

- Purpose of the use of content: Is use of content for education, research, private study, criticism, review, news reporting, parody, and satire, or is the use for commercial purposes?
- Character of the dealing: Number of copies being made – single or multiple?
Distribution of content – limited or widely distributed? Will the use be on-going or is it a one-off or isolated use?
- Importance/Amount of Work Copied: Is a significant excerpt or portion of the content being copied, such the whole work, or is the amount limited or a small part of the work?
- Effect of Dealing on the Original Work - Will the use be competing with the original work? Would use deter someone from purchasing the original work? Or does use cause little or no detriment to the original work?
- Nature of the Work: Is the work confidential? Unpublished? Published in the public interest intended for wide distribution and does not require permission? Is the work in the public domain?
- Available Alternatives: Consider the purpose for the use of the content; are there alternative options to achieve the same purpose?

Interactive 6 point Fair Dealing Assessment Test: <http://fairdealing.eclibrary.ca/>