

Nipissing University Copyright and Fair Dealing Policy

This policy applies to faculty, staff, and students of Nipissing University and provides guidance about the use of copyrighted works under fair dealing and reasonable safeguards for the owners of copyrighted works.

Canadian 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 of the Act (Sections 29, 29.1, 29.2, 29.3, 29.4) allows for exceptions for educational institutions, libraries, archives, and museums by permitting use of a copyrighted work without permission of the owner or payment of copyright royalties for purposes as specified in the Act. These exceptions balance the rights of copyright owners to control the use of their works while allowing users access to those works.

To qualify for fair dealing, two tests must be passed:

1. The use of the material, “dealing”, must be for research, private study, criticism, review, news reporting, education, satire or parody.
2. The dealing must be “fair” in consideration of the following factors:
 - a) Appropriate bibliographic citation provided for the source of the work;
 - b) Person acting under the authority of an educational institution must have no motive of gain and recover no more than the costs, including overhead costs, associated with doing the act;
 - c) Person acting under the authority of an educational institution may reproduce, display, translate, perform in public on the premises of the educational institution, use the work as required for a test or an examination, communicate by telecommunication to the public;
 - d) Character of the proposed reproduction, including whether it involves single or multiple copies and whether the copies are destroyed after it is used for its specific intended purpose;
 - e) The amount of the dealing, including the proportion of the work that is proposed to be copied and the importance of that excerpt in relation to the whole work;
 - f) Alternatives to copying the work, including whether there is a non-copyrighted equivalent available;
 - g) Nature of the work, whether it is published, unpublished, in the public domain;
 - h) Reproduction as a necessity for the preservation of the work;
 - i) The effect of the copying of the work, including whether the copy will compete with the commercial market of the original work.

To review the Copyright Act: <http://laws-lois.justice.gc.ca/PDF/C-42.pdf>

Copyright infringement is a serious matter and Nipissing University requires faculty, staff and students to comply with the Copyright Act. Please direct questions about copyright and fair dealing to:

Nancy E. Black, Executive Director Library Services, nancyblack@nipissingu.ca
Heather Saunders, Manager Information and Reference Services, heathersa@nipissingu.ca
Heather Hersemeyer, Director, Technology Services (Acting) heatherh@nipissingu.ca