



This document provides guidance for students on the fair dealing exception to copyright infringement.

Copyright Infringement and Exceptions

It is an infringement of copyright to copy all or a substantial part¹ of a copyright-protected work or to communicate all or a substantial part of a copyright-protected work to the public² by telecommunication without the consent of the holder of the copyright, unless copying or communicating the work falls within an exception from copyright infringement. One of the main exceptions is the fair dealing exception.

The university does not condone copyright infringement by students. Students who copy or communicate copyright-protected works should either obtain the permission of the copyright owner or be satisfied that copying or communicating the works falls within one of the exceptions in the Copyright Act. The university is not liable for any infringing copies made or communicated by students including such copies made or communicated using copiers or scanners made available by the university.

The Fair Dealing Exception

The fair dealing exception in the Copyright Act (sections 29, 29.1 and 29.2) provides that fair dealing with a copyright-protected work for one of the following eight purposes: research, private study, criticism, review, news reporting, education, satire or parody, does not infringe copyright. Any fair dealing for the purpose of news reporting, criticism or review must however mention the source and, if given in the source, the name of the author or creator of the work.

Depending on the circumstances, a student may copy or communicate an extract of a copyright-protected work under the fair dealing exception without the permission of the copyright holder and without infringing copyright.

The Fair Dealing Guidelines

The university has adopted Guidelines for use to be considered Fair Dealing (“Fair Dealing Guidelines”). The Guidelines permit faculty members, instructors and staff members to communicate and reproduce short excerpts of copyright-protected works for specified purposes without infringing copyright. The Fair Dealing Guidelines applies to students only to the extent that a student is an employee of the university, e.g., acting as a teaching assistant or instructor. A student who is not acting as an employee of the university may look to the Guidelines as a general guideline on how the fair dealing exception can be

¹For a discussion of what constitutes a substantial part of a copyright-protected work see the Application of the Fair Dealing Guidelines: General Application to be found here: <https://library.usask.ca/copyright/general-information/fair-dealing-guidelines.php#ApplicationDocuments>.

²In general, a communication is to the public if the recipients are not restricted to individuals that are purely in a domestic relationship.



applied to his or her copying. A copy of the Fair Dealing Guidelines can be found here: <https://library.usask.ca/copyright/general-information/fair-dealing-guidelines.php>.

Definition of Short Excerpt

The Fair Dealing Guidelines define a short excerpt as follows:

A short excerpt means:

- a) up to 10% of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work);
- b) one chapter from a book;
- c) a single article from a periodical;
- d) an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works;
- e) an entire newspaper article or page;
- f) an entire single poem or musical score from a copyright-protected work containing other poems or musical scores;
- g) an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work;

provided that in each case, no more of the work is copied than is required in order to achieve the allowable purpose.

For information regarding the Fair Dealing Guidelines and Canada's copyright law, contact the Copyright Coordinator at copyright.coordinator@usask.ca.

Note: The information obtained from or through this side does not constitute legal advice, but is provided as guidelines for using works for educational purposes.